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Fourth Series.

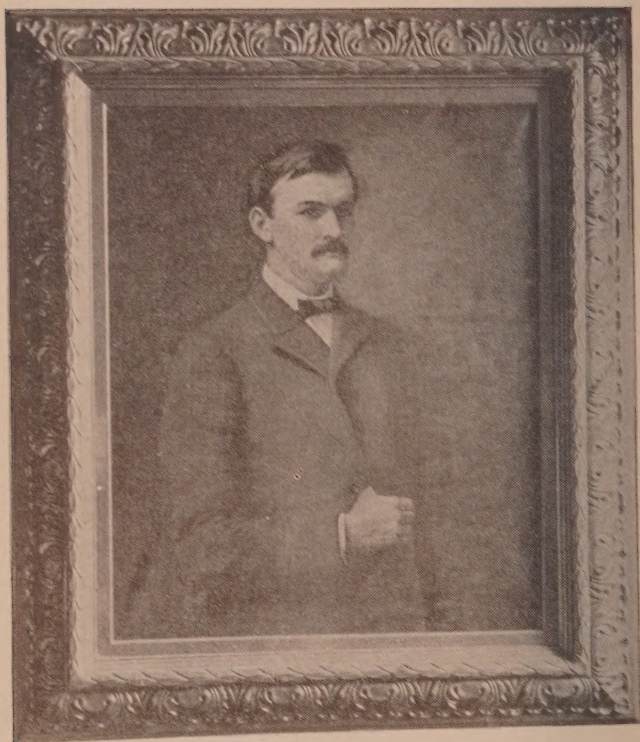
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PAPERS OF THE GOVERNORS.









*Wm. B. Patterson*

# PENNSYLVANIA ARCHIVES

Fourth Series

EDITED BY

GEORGE EDWARD REED, LL.D.

UNDER THE DIRECTION OF

HON. W. W. GRIEST

SECRETARY OF THE COMMONWEALTH

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VOLUME X.

PAPERS OF THE GOVERNORS.

1883-1891.

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# TABLE OF CONTENTS.

(VOLUME X.)

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## CHAPTER I.

THE FIRST ADMINISTRATION OF ROBERT EMORY PATTISON, 1883-1887, .....	1
--	---

## CHAPTER II.

THE ADMINISTRATION OF JAMES ADDAMS BEAVER, 1887-1891, .....	525
--	-----

## CHAPTER III.

THE SECOND ADMINISTRATION OF ROBERT EMORY PATTISON, 1891-1895 (CONTINUED),.....	957
--	-----



## ILLUSTRATIONS.

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ROBERT EMORY PATTISON, ..... *Frontispiece.*

JAMES ADDAMS BEAVER, ..... *Facing page 526*

ROBERT EMORY PATTISON, ..... *Facing page 958*



ROBERT EMORY  
PATTISON,  
Governor of the Common-  
wealth.  
1883-1887.





# PENNSYLVANIA ARCHIVES.

## Fourth Series.

### Chapter I.

ROBERT EMORY PATTISON,

Governor of the Commonwealth.

1883-1887—1891-1895.

YOUTH IS NOT ALWAYS A DRAWBACK TO public preferment, as is conspicuously evident in the case of Governor Robert E. Pattison. His father was a graduate of Dickinson College and a Pennsylvanian, although in the itinerant system of the Methodist Episcopal Church, of which he was one of the most honored ministers, he happened to be stationed at Quantico, Maryland, in 1850, at the time of the birth of his distinguished son. Young Pattison was educated at the Philadelphia Public Schools and graduated as valedictorian from the Central High School. In 1869, he began the study of law under the Hon. Lewis C. Cassidy and was admitted to the bar in 1872.

In 1877, he was elected Controller of Finances in Philadelphia, being then barely twenty-seven years

of age, and in 1880, he was again elected, this time with a majority of 13,000. Two years later, then only thirty-two years of age, Mr. Pattison was made the standard-bearer of the Democratic Party in the gubernatorial contest of 1880. He immediately entered upon a most magnificent campaign; in two weeks he traveled 1,400 miles, spoke in forty counties and insured success by the very force of his enthusiastic personality. He was elected by a plurality of over 40,000. At his request his inauguration was as free from ceremonial as possible and he entered upon an upright, unostentatious and intelligent administration, a credit to the State and an honor to himself. Constitutional limitation preventing his succeeding himself, an interval of four years passed when the voice of the people again called him from retirement and placed him at the helm of State. His second administration presented the same features, which so markedly and extensively commanded the admiration of his own party and the approval of his opponents.

At the close of his first term he was appointed by the President a member of a Commission to investigate the Pacific railways, and he became the chairman. After a searching examination of the subject he reported in favor of the termination of the "partnership between the Government and the Pacific railroad," a position in which he was publicly sustained by the President. In 1895, much against his inclination he

was persuaded to lead the forlorn hope as the Democratic candidate for Mayor of Philadelphia and was defeated.

Governor Pattison is active in the affairs of the Methodist Episcopal Church. He has been a lay delegate to a number of the quadrennial General Conferences of that body, at the session of 1900, being chairman of the important committee to which was referred the subject of amusements. In 1890 he was fraternal delegate to the General Conference of the Methodist Episcopal Church South, and in 1891 he was a delegate to the Methodist Ecumenical Council at Washington. He is a member of the Board of Trustees of Dickinson College and in 1884 was honored with the degree of LL. D. from that venerable institution.

In 1896, he was the unanimous choice of the Pennsylvania delegation in the Democratic National Convention at Chicago for nomination for President and during five successive ballots received each time in the neighborhood of a hundred votes. Upon his retirement from the chief magistracy, he entered into business in Philadelphia, where he became President of the Security Trust and Life Insurance Company of that city. His terms as Governor comprised the periods from January 16, 1883, to January 18, 1887, and from January 20, 1891, to January 15, 1895.

## Inaugural Address to the Assembly.

**C**ALLED BY THE PEOPLE TO PERFORM, FOR a time, the functions of Chief Executive of the State, I follow an old and respected custom in briefly stating some of the principles that will guide me in the administration of the office.

I would first call attention to the bountiful manner in which a kind Providence has blessed our State and endowed its people with benefits. We should never cease to make grateful acknowledgment of His overshadowing care. At periods like this there is a peculiar fitness in a public recognition of the goodness of that Supreme Being who has been our safe-guard from calamity, and whose benefactions have attended us with unceasing constancy.

In the execution of the trust confided to me by the people, it shall be my constant endeavor to ascertain their will with accuracy, and carry it out with fidelity.

For this purpose I solicit the freest communication between the people and the Executive, and will diligently avail myself of every facility which will tend to inform me of their wishes. It will be my solicitude to strengthen and conform the public faith in Democratic Institutions by demonstrating, in the sphere to which I have been appointed, their aptitude for recording and effecting the wishes of the people. Our Government was constituted to give direct and prompt recognition to the expressions of popular will.

I adopt, as a direct application to the present time, a sentence from President Jackson's first inaugural, in which he says: "The recent demonstration of public sentiment inscribes on the list of executive duties, in characters too legible to be overlooked, the task of reform."

This task, clearly set before him, the present Executive will zealously strive to fulfil. Happily for him, there can be no doubt of the particular subjects as to



which the public anxiety for improvements has manifested itself. These are well defined. The method of accomplishment is a question for the legislative wisdom ultimately to determine. So far as the limits of an address like this will permit, let me briefly state a few of the subjects of needed reform.

The people demand the abolition of needless offices; the fixing of official compensation at sums commensurate with the service rendered by salaries definitely ascertained; rigid accountability in the expenditure of public moneys; a public performance of official trusts; and the raising of the efficiency of the civil service by making fitness and integrity alone the tests for appointment.

The people demand strict economy in the expenditure of their moneys; a simple and business-like conduct of the affairs of government, and a repeal of all laws creating avenues for the needless spending of public funds at the discretion of officials.

The people demand that the burdens, as well as the benefits, of government, shall be distributed with fairness, justness, and impartiality. They demand uniformity and simplicity in taxation, and its distribution in such a manner as that, while all shall bear their just share of the common burdens, those shall contribute most who receive most, and those suffer least who can bear least. There is no more difficult problem in government than that relating to taxation. Revenue must be raised by the State for the efficient conduct of its affairs. Care should be taken, however, in the imposition of taxes, that we do not lose sight of those upon whom the imposition finally rests. The hand that pays the tax into the treasury is not always the hand that earned the contribution. That system is most equitable, which, recognizing this truth, so distributes the taxing weight that none shall escape, and none bear more than their just proportion. Our present system, in its State, county, and township ramifications, is in-

tricate, unequal, and ill-digested. It is to be hoped the present Legislature will devise some method for a simpler and juster allotment of these burdens.

I shall urge upon the General Assembly the passage of legislation necessary for carrying into effect the provisions of the Constitution of the State. The benefits of some of the most salutary sections of that instrument have not been secured by the people, because of the failure of the Legislature to pass the laws needed for its complete enforcement. The care bestowed by the convention in framing the Constitution, and the large majority of votes cast for it when before the people for adoption, should have inspired their representatives in the Assembly to prompt action in passing the measures needed to give it full effect. Particularly should this have been done since the instrument itself enjoins the Legislature so to do, and their official oaths pledge them to its support, obedience, and defense. When the people adopted the Constitution they sanctioned its wisdom. It then became the supreme law of the State, and the highest exposition of the will of the people, ascertained in the most sacred way known to democratic governments. It does not become the representatives of the people to question or evade such a law. Their single duty is to obey it.

Some of the sections of the Constitution from which most good was expected, and most could be secured, have, as yet, yielded no measure of benefit, or left any visible effect. This is particularly true of Article XVII of that instrument, regulating railroad and canal companies. By tacit consent, a construction of that Article has been acquiesced in by which the great corporate bodies of the State have escaped its limitations, and been exempted from its provisions. They have violated in constantly, defiantly, and flagrantly. The people are entitled to have at least a fair trial made of their ability to bring the vast corporations they have created and fostered under their just regulation

and control. More than this is not contended for in Article XVII of the Constitution. It commands nothing but what is right, and forbids nothing but what is clearly wrong. It simply requires corporations to act justly and treat all the people alike, with uniformity, fairness, and impartiality. It prohibits unfair discrimination against persons or places, forbids extortion, and seeks to prevent monopolies and compel the creatures of the law, who owe their breath to the people, to be law-obedient, and not use their granted powers to harass and oppress. The same Article specially commands the Legislature to enforce its provisions by "appropriate legislation." Surely an honest effort should be made to give adequate effect to so wise and just a section of the fundamental law.

This leads me to say that, in my judgment, there is much to be done, in the way of legislation, to prevent the power of corporations from becoming too vast and irresponsible. They are a new element in our modern civilization. They have outgrown the most sanguine expectation in their development, and have introduced new evils, as well as new benefits, into our system. Their influence has extended itself into almost every department of business and of life. Their motions not only affect the great centers of money and of trade, but the minutest affairs of individuals are affected by their caprice. Thousands of laborers look to them for employment, and depend alone upon their determination for the measure of hire. The price of the necessities of life, too, is often regulated by their will. All this is an exhibition of power not contemplated in their creation, which had in view solely the public interest and general good. The existence of such power in any combination of men is to be deplored, and, if possible, prevented; or, at least, regulated and controlled. It is idle to lament this condition of affairs, unless something is done to correct it.

It is vain for those in authority to shut their eyes to the fact that something must be done to bring into proper regulation the corporations of the country, and adjust, upon some fair and reasonable basis, the contentions between these objects of the bounty of the State and the people.

At the proper time I may transmit to the Assembly some further suggestions upon this subject, with, possibly, some formulated thoughts. Meantime it may be said, that in the settlement of matters of this kind, much depends upon the temper each party brings to the controversy. If passion shall rule, then will no good be accomplished; but rather evil to all. But if justice shall be the guide, and her principles the criterion, then there can be no doubt of equitable conclusions and satisfactory determinations. The people I am convinced, ask for nothing unreasonable, if their fundamental law is the expression of their demands. It is the sworn duty of the Assembly, and all in authority, to protect and defend that charter of the people's rights.

Competing telegraph companies have consolidated in open violation of law, and to public detriment. Citizens of the Commonwealth have recently invoked the interposition of the State authorities to prevent the continuance of this flagrant wrong. It is to be hoped the proceedings thus inaugurated will result in the vindication of the Constitution, and establish the adequacy of its powers. Corporate lawlessness must be made as amenable to punishment as personal lawlessness.

With the augmentation of corporate power has arisen, also, other large accumulations of capital, devoted to various forms of industry. Our own State, in the development of its peculiar sources of mineral wealth, is exceptionally prominent in this respect. These accumulations of corporate and other capital

invested in business enterprises, employ armies of workmen concentrated at single establishments. From this has arisen contests between those who pay and those who receive wages. In recent years these conflicts have been of frequent occurrence throughout the entire country, and have often resulted in violence, not only to the public peace, but to person and property. A continual, though irregular, struggle is now, and has for years been, going on between these two conflicting elements. Complaints of injustice are constantly being made by one against the other, and each in turn appeals to the State for remedial legislation. Such appeals should not be unheeded, but should be attentively listened to and carefully considered. These questions, at times, have threatened to become a formidable element in our politics, and a disturbing factor in our elections. This is not as it should be, and nothing but evil can result from the intermingling of such matters. It gives excuse for reckless demagogues to ply their vocation, exposes labor to debasement from the intrigues of politicians, and injects rashness and passion into a discussion which has peculiar need for calmness, deliberation, and dispassionate reason. For government to shut its eyes and close its ears to the complaints and petitions of any body of its citizens is folly. Such a course corrects nothing and settles nothing. Particularly should heed be given to the appeals of so large and important a part of the community as those depending for subsistence upon the wages of toil. Labor is the main pillar of the State. As an honored statesman of our country has said: "Labor is the superior of capital, and deserves much the highest consideration." But the consideration given to such matters should be deliberate and searching, and the relief thorough and systematic, if it is to be lasting and effectual. I cannot but indulge the belief that our political system is capable of pro-

viding some other remedy than the bayonet for the settlement of such disputes. Our form of government, I have no doubt, is competent to deal with this matter fairly and effectively, without injustice to the rights or interests of either party to the controversy. Upon the wisdom of the legislative department rests, in the first instance, the responsibility for a proper solution of this question.

The Assembly has, also, failed to enforce by appropriate legislation a number of other provisions of the Constitution, and pass laws, the enactment of which is enjoined by that instrument.

The salaries of certain judges of the Commonwealth have not been fixed by the Legislature, and they have been receiving compensation almost without authority of law, and by the sufferance of the accounting officers.

The Assembly at its last session, though prolonged beyond precedent, and at great expense to the Commonwealth, failed to apportion the State into legislative and congressional districts, though the Constitution commands that such apportionment shall be made "immediately after each United States Decennial Census." There was not even an attempt made to obey this injunction. Such default is inexcusable. It is the duty of the present Legislature to promptly perform this neglected duty.

The Assembly will not be called to act upon a more important measure during its session than that of the apportionment. It touches government in its most vital parts. Fair and just representation to all sections of the State underlies the whole fabric of our political system. It is the corner-stone of our government. Considerations of party, of factions, of locality, or of individuals have nothing to do with the subject of apportionment. This duty should be performed by the Legislature upon uniform and just principles. There should not be one rule for one part of



the State, and a different rule for another. The Constitution commands that the districts shall be composed of "compact and contiguous territory." This rule should be observed throughout the entire State. It is palpably violated by the present apportionment. To disobey it is to commit a wrong against government, and the people's right to honest and just representation. The members of the Legislature should be forcibly impressed with the gravity of their duty in this respect, and the obligation for its prompt and just performance.

The exercise of the pardoning power by the Executive has been the subject of much public criticism. Nor is this recent only. So great had become the popular complaint that the convention which framed the Constitution attempted to correct what was admitted to be an abuse, by creating a board for the hearing of applications for pardon, whose judgment should be submitted to the Executive for his assistance in determining the merits of such applications. Such a plan ought to result in fuller and more careful consideration, and decisions more in accordance with the dictates of justice and humanity. I do not believe, however, that the Pardon Board was intended to be a court of last resort of reviewing the legality of the judgments of the courts below, and their decisions upon points of law and the weight of evidence. Our system of judicature, with its justices, juries, judges, and supreme court, provides the proper tribunals for the trial of causes, and has the confidence of the community. Their judgments should not be lightly treated, or disturbed without overwhelming reason. The Pardon Board is not a court for the trial of questions of law or fact. It has become a truism, that it is not the severity, so much as the certainty, of punishment which prevents wrong doing. This certainly cannot be secured if it is understood by criminals that after

their cases have been fairly heard and passed upon by every court known to the law, they may still experiment with the sympathy and various judgments of a mixed board of lawyers and laymen. I shall make it a rule to grant no pardon except for cause appearing since the trial, and in cases of manifest injustice.

The government of large cities is a subject of growing importance, and is attracting much attention from minds directed to questions of municipal reform. It has been in the great centers of population that the most flagrant abuses in government have been manifested, and the greatest wrongs been inflicted upon the people. Extravagance, fraud, and speculation; the corruption of the ballot, and the subversion of the popular will as expressed at elections, have grown to such large proportions in our large cities, that the stoutest friends of free government have become alarmed for its permanence. In my judgment, the best corrective for many of these evils is enlarged and freer local self-government. Beyond a few general limitations the State should empower municipal corporations to regulate their own affairs. In this Commonwealth, at least, many of the most prolific sources of abuse have been fastened on cities by the Legislature of the State, from which the people have sought to relieve themselves in demands for the repeal of the obnoxious legislation. Many of their concerns are under the direction of officers who owe no responsibility to the corporations they serve. In some instances, the power previously conferred upon cities to regulate matters exclusively affecting the convenience and comfort of their own citizens, has been taken from them by the General Assembly. It is this legislation from a distance that has caused many of the complaints from municipalities, and that should be stopped, and its wrongs redressed. The people of cities, who best know their own wants, should be allowed to spend their own



money, fix the salaries of their officers, and direct their own private affairs. This would be more in accordance with the spirit of our institutions, and would make local officers responsible to the people whose servants they are, and who would thus have in their own hands, the power to correct the evils under which they suffer.

I look forward with bright anticipation to the future of our Commonwealth. Her possibilities are great beyond those of almost any of her sister States. Let it always be remembered by all citizens, that intelligence and virtue are the safeguards of liberal institutions. The law must be preserved in its integrity and supremacy; citizenship should not be treated as a light privilege, but its duties should be made a serious matter of conscientious performance; the purity of our elections must be sacredly preserved; and all alike should feel a personal interest in discharging their obligations to the State, and sustaining the officers of the law in the faithful and just performance of their functions. It will always be my pleasing duty to co-operate with the representatives of the people, in giving validity to enactments whose object is the dissemination of information, the promotion of the general welfare, the placing of additional safeguards around the upright, or the punishment and restraint of the lawless and vicious. In short, what ever will tend to develop the resources, increase the comforts, or enlarge the happiness and prosperity of the citizens of a State, which has been alike fortunate in its location and the wise policy of its founder, should receive the sedulous attention and constant support of every one who is called upon to make, expound, execute, or obey the laws.

ROBT. E. PATTISON.

To the Senate Nominating William S. Stenger Secretary of the Commonwealth. •

Executive Department,  
Harrisburg, January 16, 1883.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, William S. Stenger, of the county of Franklin, to be Secretary of the Commonwealth.

ROBT. E. PATTISON.

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To the Senate Nominating Lewis C. Cassidy Attorney General.

Executive Department,  
Harrisburg, January 16, 1883.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Lewis C. Cassidy, of the county of Philadelphia, to be Attorney General of the Commonwealth.

ROBT. E. PATTISON.

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To the Senate Nominating Presly N. Guthrie Adjutant General.

Executive Department,  
Harrisburg, January 16, 1883.

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Presly N. Guthrie, of the county of Allegheny, to be Adjutant General of the Commonwealth.

ROBT. E. PATTISON.

To the Assembly Transmitting the Report of the  
Treasurer of the Pennsylvania State Agricultural  
Society.

Executive Department,  
Harrisburg, January 23, 1883.

Gentlemen:—

**I** HAVE THE HONOR TO TRANSMIT FOR THE  
information of your honorable bodies, the report  
of the Treasurer of the Pennsylvania State Agri-  
cultural Society.

ROBT. E. PATTISON.

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To the Assembly Transmitting an Invitation for  
Pennsylvania to be Represented in the Sequicen-  
tennial Celebration of the Settlement of Georgia.

Executive Chamber,  
Harrisburg, January 22, 1883.

Gentlemen:—

**I** RESPECTFULLY SUBMIT FOR YOUR CONSID-  
eration a communication from the general com-  
mittee of the sesqui-centennial of the settlement  
of the Commonwealth of Georgia, requesting a repre-  
sentation at the ceremonies in Savannah, February  
12, 1883, from the Commonwealth of Pennsylvania, as  
one of the original thirteen States.

ROBT. E. PATTISON.

COMMITTEE ROOM, SESQUI-CENTENNIAL OF THE SET-  
TLEMENT OF GEORGIA, FEBRUARY 12, 1733.

Savannah, Ga., January 17, 1883.

To the Governor of the State of Pennsylvania:

Sir: The citizens of Savannah, Georgia, propose to com-  
memorate, on the 12th of February next, the one hundred and  
fiftieth anniversary of the settlement of Georgia, by General

Oglethorpe, and are desirous that the original thirteen States, who fought together the successful battle for independence, and gave to our country its admirable Constitution, should be represented in the ceremonies of the day, and participate with us, as our guests in its enjoyment.

The manner of representation we leave to yourself, whether by a float or other device. But "come in whatever shape they may," the representatives of Pennsylvania will meet with a cordial reception from the citizens of Savannah.

Very respectfully, your obedient servant,

HENRY C. WAYNE,

Secretary and Treasurer, General Committee.

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To the Senate Vetoing "An Act Authorizing the Investment of the Moneys in the Sinking Funds of Cities of the Second Class, and Providing for the Consolidation of Said Funds."

Gentlemen:—

I HEREWITH RETURN WITHOUT MY APPROVAL Senate bill No. 5, entitled "An act authorizing the investment of the moneys in the sinking funds of cities of the second class, and providing for the consolidation of said funds."

This bill consolidates into one fund all the the several sinking funds in the cities to which it applies, thus destroying the specific character and integrity of each of the several funds.

Its second section authorized all of the general fund thus created to be used in purchasing and retiring any of the bonded indebtedness of such cities, or permits it to be invested in bonds of the Commonwealth, or of the United States.

Its fourth section provides that where a sinking fund of any such city is invested in its own bonds, the interest upon which, by existing laws, is required to

be invested in some particular loan, such interest may be used in purchasing the loans of the city without regard to the pre-existing limitation.

I cannot give my approval to any such method of financiering. It would be in violation of the contract, upon the faith of which the bonds of the cities were purchased, and would impair the security of bondholders.

This bill would permit a special sinking fund specifically dedicated to the redemption of a particular loan, to be used in redeeming and retiring bonds other than those it was created to secure. Upon what principal of honest dealing can such a course be justified? Why should a city be given the right to interfere with moneys sacredly set apart for the payment of a particular indebtedness, upon the security of which the bondholder loaned his money, and to which he looks for the ultimate payment of his bond?

In every way that this bill is looked at it is unsafe. Under it the entire consolidated fund could be used in redeeming any one loan, and other loans be thus left without a dollar, though they were purchased by the holders when there was a special fund set apart to secure them. One debt could be paid with another debt's collateral, and involve the financial concerns of cities in uncertainty and confusion. Plain honesty and sound business principles must condemn such a measure.

Section three of article fifteen of the Constitution provides that "every city shall create a sinking fund, which shall be inviolably pledged to the payment of its funded debt." The spirit of this wise provision of the fundamental law is clearly violated by the bill now before me. A fund is not "inviolably pledged" to the payment of a debt when its use is left to the option of the debtor.

For these reasons I return the bill to the Senate without my signature.

If the purpose of the measure was merely to authorize the investment of the unproductive moneys of the sinking funds in interest-bearing bonds of the particular city, or of the State, or of the United States, there ought not to have been any difficulty in so providing. Such a law would greatly enhance the value of the sinking funds, and the credit of the bonds, and I would cheerfully approve of a bill of that character.

If this was the only intention of the measure now before me it is to be regretted that so good a purpose was loaded with such pernicious powers.

The bill seems to have been hastily and carelessly drawn, and is neither accurate nor clear in its language. The title is also defective, and does not clearly express all the real provisions of the bill.

ROBT. E. PATTISON.

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### Biennial Message to the Assembly—1883.

Gentlemen:—

**T**HOUGH BUT SO SHORT A TIME HAS elapsed since the former Executive addressed you in an able, wise, and exhaustive message, yet in accordance with the requirement of the Constitution that the Governor shall, from time to time, recommend to the General Assembly such measures as he may judge expedient, I send you this communication.

### THE RECORDER'S OFFICE.

The act of 1878, defining the term and enlarging the duties of recorders in cities of the first class, should be repealed. A bill for that purpose is now pending

in the Assembly, and I trust it will soon receive the sanction of both houses. The act of 1878 was a most vicious piece of legislation. It enlarged an almost obsolete office into one of vast powers, many of which seem to have been conferred for the sole purpose of enabling the officer to get fees, and swell his emoluments to an enormous and unwarranted sum. Indeed, in some instances, it is to the benefit of the recorder, under the provisions of the act, that mistakes should be made by his appointees, as he thereby collects fees for the correction of such mistakes. The citizens of Philadelphia, the only locality affected by the act of 1878, have been long demanding its repeal. There appears to be but one opinion in that community upon the subject. An attempt to repeal the act at the last session of the Legislature was rendered futile by reason of the disagreement of the two houses. It is to be hoped no such failure to relieve the citizens from unjust and burdensome legislation will result at this session. The whole subject has been so fully and frequently discussed in the former Legislature, and through other public channels, that I do not deem it necessary to further repeat these arguments. The Executive is clearly of the opinion that whatever other enactments may be necessary upon the subject thereafter, the act of 1878 should be at once repealed as a condemnation of such improper legislation.

#### THE DELINQUENT TAX OFFICE.

The office of delinquent tax collector of Philadelphia, is one that should be promptly abolished. Its fees are enormously excessive, and, like the recorder's emoluments, seem to have been fixed only with an eye to the enriching of the official, and not the benefit of the people. Bills are now upon your calendar looking to the abolition of this office. I bespeak for them your careful consideration, that the office may be



stripped of its excessive emoluments exacted from the unfortunate and needy, and its duties performed without oppression, and with some regard to the interest of the citizen, and not alone the benefit of an official. As to this subject, also, the people of Philadelphia are of one mind.

#### SEALERS OF WEIGHTS AND MEASURES.

The office of sealer of weights and measures should be abolished. Its powers, wherever deemed essential in the large cities and towns, might well be imposed upon the police officers, and the duties be performed by them without extra compensation. This office is one particularly obnoxious to the people. Its powers are inquisitorial and offensive, and nothing but the strongest necessity can justify the creation of such offices. They affect matters purely of police regulation, and in cities like Philadelphia and Pittsburgh, with hundreds of policemen, the duties could readily be performed by those officers without cost to the people.

#### BOILER INSPECTORSHIPS.

The office of boiler inspector is of the same objectionable class, and might also be dispensed with. The people of the countries where they exist are petitioning for their abolition, and I observe that bills for that purpose are now before you. The law authorizing their appointment should be repealed, unless there exists some strong reason of public policy for their continuance.

#### NEEDLESS AND EXTRAVAGANT OFFICES.

I have always entertained the opinion that needless and extravagant offices, such as those I have referred to, should be entirely abolished. Some of these places pay their incumbents greater compensation than is received by any officer of the Commonwealth, and at



least one of them more than the salary of the President of the United States. The Legislature should not hesitate about what to do in these and similar cases. The public service should not be made attractive because of its emoluments. Extravagant salaries breed an office-holding class, inspired not by patriotism and public spirit, but by avarice and greed of gain. The youth of the land should be taught to look to official preferment for its honorable distinction as an avenue for faithful public service, and not as a means of money-making and of escape from the burdens of labor. These opinions, always entertained and frequently expressed, I will gladly co-operate with the Assembly in putting into practical operation, by abolishing all needless and retrenching all extravagant offices. I have been gratified to observe the disposition shown, and progress already made, by the Legislature towards that end. While such offices exist, however, the Executive deems it his duty to see that they are filled by those in whom he has the highest confidence, and can repose the fullest trust. This is his first and sworn duty, if he is to "take care that the laws be faithfully executed."

#### FIXED SALARIES IN PLACE OF FEES.

The spirit of the Constitution undoubtedly is that all officers and employes, either of the State or local governments, should be paid by fixed salaries, and not by fees. This spirit should be faithfully carried out by the Legislature, and a law enacted abolishing fees wherever possible, and fixing a definite salary for all incumbents. However it may be disguised, every law authorizing the charging of a fee for an official act is equivalent to the levying of an additional tax. It is an indirect form of taxation, objectionable for its uncertainty and the difficulty of ascertaining its amount. All taxes, whether fees or otherwise, should

first go into the public treasury, that the people may know how much they contribute towards the cost of government, and public officers should afterwards be paid therefrom known and fixed amounts for their services.

#### SALARIES DISPROPORTIONED TO THE WORK.

In abolishing the fee system, however, care should be taken that the compensation be not merely changed to a fixed salary equally as exorbitant as the former sum received. Many of the salaries fixed under the present Constitution are out of all proportion to the service rendered. There are clerks of courts receiving greater pay than the judges, whose subordinates they are, and registers of wills, whose salaries are twice as much as those of the court who adjudicate the dead men's estates. By what possible system of adjustment these results were arrived at, it would be difficult to determine, but such incongruities should not be permitted longer to exist. They will serve to illustrate, however, the necessity for a careful scrutiny of official salaries with a view to a general reduction of many.

#### THE COMMITTEE OF INQUIRY.

The appointment of a joint committee of the Legislature to inquire what offices in the various executive departments of the State may be dispensed with, is a most desirable undertaking. Diligent inquiry will, I am convinced, enable the committee to recommend a considerable reduction in the force of employes in the departments, and the amount of their compensation. I regret the scope of the inquiry was not enlarged so as to include the entire civil service of the State. The results I am sure, would have been more effective. It is not too late yet to empower a committee to so extend its investigation.

## OFFICIAL ADVERTISING.

The advertising of official notices has been the source of many abuses and much scandal, particularly in our cities. Much of the official advertising, as now done, is practically useless and a waste of the public moneys. I would recommend the enactment of some general law upon this subject, requiring public advertisements to be inserted in newspapers of the largest circulation. If there is any purpose to be served by such advertising, beyond the mere expenditure of money, if publicity is really what is desired, then the most evident means to obtain that publicity should be adopted, and papers of largest circulation employed. Not only would such a course execute the plain purposes of the law, but a great saving of money could be effected, as there would not then be a necessity for so frequently inserting the notices, or advertising them so much at length. Economy and publicity would both be served by the enactment of such a law. In municipal advertising it would be well to invest the control of such matters in the councils of the cities. They are nearest to the people whose money is spent, best know the popular wish, and it would be wisest to trust their discretion. Such provisions as I have indicated with reference to advertising would enable officials to be more independent of party journals, and would have a healthful influence upon the press, by enabling that avenue of public information to be more free and independent in its strictures upon officials. The public money should not be used to subsidize the channels through which the people learn, to a good extent, how their servants execute their trusts.

## THE GOVERNMENT OF CITIES.

There is a bill pending before you for the better government of cities. I trust it will receive most faith-

ful and attentive consideration. Though slightly changed, it was drafted by a commission of able gentlemen appointed by the Governor several years ago, under the authority of the Legislature. Coming from such a source, and prepared at the public expense, it is to be regretted that it was not acted upon by former Legislatures before whom it has been, even though their attention was directed to it by my distinguished predecessor. The problem this bill is intended to solve is one of great moment. The growing importance of large cities in their relations to the State, their influence upon the concerns of government, the vast wealth they contain, the number of citizens whose happiness and prosperity is affected by them—all these considerations make their proper regulation a subject the importance of which cannot be over-estimated. The whole State is interested in this question. Bad government in the cities has an unmistakable influence upon the counties. A large part of the public service is centered there and a large part of the public income is collected in them. They do much to affect public sentiment and public morals. They contain a large part of the popular vote, and most of the abuses of government have grown up within them. In every way, therefore, this subject is important, as well as to the cities themselves. The bill before you was prepared by most able gentlemen, without interest in the subject-matter, except as citizens desiring the public good. It is thus presented to you in a way that ought to commend it to your best and most deliberate judgment. I bespeak for it your careful consideration.

#### TREATMENT OF THE INSANE.

A commission of experts appointed by the former Governor, after much labor and careful consideration of the subject, reported a bill which he submitted to you for the regulation of institutions for the care and

teratment of the insane. In his message he urges you to give the measure thoughtful attention. I join in that request, and would also suggest that any independent measures upon the same subject be postponed until the Legislature comes to some determination upon the general bill. The subject is an important one, and what is done should be done thoroughly and systematically. The fragmentary character of much of our legislation is a matter to be regretted.

#### SPECIAL LEGISLATION.

By the decision of the Supreme Court, the act dividing cities into classes, was determined to be constitutional. By virtue of this much legislation is enacted really of a special character, and so intended to be. While this decision stands, of course it is to be respected, but I warn the Legislature of its dangers. Under it the cities of Pittsburgh and Philadelphia may be legislated for as particularly and specially as they could have been before the present Constitution was adopted, and it is a nullity so far as they are concerned. The people of Philadelphia would not, to-day, be clamoring for the repeal of the recorder's law of 1878, if it were not for the act of Assembly and the judicial decision to which I have referred. Such measures are not required to be advertised, and no notice of their intended passage is given to the people of the locality they affect. Another evil of this condition of the law is that bills are passed which now only affect a particular city, but which, because of their general character, may, in the future, injuriously affect municipalities never intended to be legislated for. I call your attention to these facts that you may give additional consideration and the most careful scrutiny to all such special legislation, under the name of general bills.

## THE RIGHTS OF LABOR.

A measure has been introduced into one of your bodies to provide for the settlement of disputes between employers and employes in certain of the great industries of the State. This is a movement in the right direction. Though limited to but a few of the departments of labor, yet is a beginning upon a subject that ought long ago to have received legislative action. The concerns of that great body of our citizens who labor for wages are entitled to the most earnest consideration. The law should most jealously and rigidly guard their interests and protect their rights. When either is injured or denied they ought to have some resource in the law to which they can look for assistance. Some provision should be made that when disputes arise between those who pay and those who receive wages, the contention could be settled under the conditions of a law which should administer justice alike to both parties to the controversy. The courts are open to other citizens to enforce their rights—why should they not be to those who toil for wages to enforce theirs? I suggest the practicability, in many instances, of a provision being made requiring employes to give a certain timely notice to their employers before quitting work on account of a refusal to increase wages, and the employer to give a similar notice to the laborer before reducing pay. This would prevent many of the mischiefs of strikes, and enable both parties to provide in time for changes that, by their suddenness, often bring want, misery and ruin to many. The bill before you, and the whole subject, ought to occupy much of the best thought of the Legislature.

## DEPOSITS OF PUBLIC FUNDS.

I recommend that in the matter of the deposit of the State moneys, a regulation be enacted similar to



that governing the public deposits in the city of Philadelphia. In that city certain banks are designated by law as places of deposit, and the amount of money which may be deposited in each is proportioned to the security each offers by virtue of its credit and financial responsibility. This plan is based upon sound business principles, and has been found to work well in the city where it has been tried. Under existing laws, the State Treasurer may deposit his balances with any bank, corporation, firm, or individual, as he may think proper. This is too wide a discretion to vest in a public officer. It opens the door to favoritism, and subjects the official to the importunities of party and personal friends, to resist which is often difficult, and to accede to which may be to the public detriment.

#### THE ELECTION LAWS.

The Constitution requires that all election laws shall be uniform throughout the State. In some of the counties, however, a system of voting is in vogue, under an old law, by which each elector is required to have an inconveniently large number of tickets, embracing as many as there are candidates to be voted for. This entails much difficulty and embarrassment upon the voter, endangers accuracy, and promotes fraud. Any system which tends to put impediments in the way of a free, easy, and simple exercise of the right of suffrage is objectionable. I hope the Legislature will promptly relieve the citizens of the counties referred to, by bringing them under the operation of the general election law, as intended by the Constitution.

#### BALLOTS TO BE PRESCRIBED BY LAW.

While upon this subject I would suggest the passage of a law, similar to that in force in other States, prescribing how all ballots, used by electors, shall be

printed, their shape, the size, the character of type, and the quality and color of the paper to be used. This would contribute to the secrecy of the ballot, and would be a protection to many in the exercise of their franchise, free from the knowledge and surveillance of employers and others upon whom they may be dependent. It would also prevent many deceits and impositions being practiced upon voters by deceptive headings. To how great an extent this mode of fraud has prevailed is well known, and was forcibly illustrated when, a few days ago, an important public officer of the State voluntarily testified in the trial of a cause that he had procured large numbers of tickets, to be prepared for use at an election, with one party's heading and another party's candidates printed thereon. Such deceptions upon the voter would not be possible if the entire character of the ballot was prescribed and regulated by law.

#### SALARIES OF STATE JUDGES.

A general salary bill should be passed for the judges of the Commonwealth. As to some of them, no salaries have been fixed, and the whole law upon the subject is in a loose and fragmentary condition. Some general and comprehensive bill should be passed upon the subject at this session of the Assembly.

#### THE APPORTIONMENT OF THE STATE.

You will be called upon to apportion the State into congressional, senatorial, and representative districts. It is important that this work should be done at this session. There should be no difficulty in agreeing upon such bills as will give fair and just representation to all sections and interests. So important a matter should be approached without party zeal, and with no desire to do anything but carry out the plain spirit and intent of the law. Any advantages gained



by one party over another by partisan apportionments have always proved short-lived, and have often terribly reacted upon their authors. Let the directions of the Constitution be observed as to compactness of territory, and, as far as possible, equality of population, and let party and personal interests be subordinated and forgotten, and there will be no trouble in promptly making an apportionment that will give true and just representation to all the people. To give one locality more representation than it deserves is to disfranchise other localities that get less than their just share. To huddle together into one tortuous, misshapen and uncompact district all citizens of a particular party faith, so that their influence may not be distributed into other districts, is to commit a serious wrong against such constituency. I hope many of the defects and injustices of the present apportionment will be remedied by the work of this session.

#### OUTSTANDING CHARTERS.

There are outstanding many charters of incorporation granted by the Legislature before the adoption of the present Constitution. Some of them contain grants of monstrous powers, unlimited in extent, and capable of great abuse. Many of them were passed without any design but to give to certain individuals franchises of the State, that they might sell them for profit. A great many of these charters have never been used or operated, but have been sold to brokers who now hold them ready for sale, at large sums, to any designing persons who want to obtain corporate powers of a kind and in a manner which the law will not now permit. There are many hundreds of such charters in private hands that are hawked about through the State and the United States. One of the greatest scandals our political history ever knew, that of the Credit Mobilier, was made possible from this

condition of affairs. That great blot upon the national honor had its origin in the purchase of a Pennsylvania act of incorporation. These outstanding charters are kept alive by a fictitious organization. They have never been operated, no rights have become vested under them, no business has ever been transacted through them, and no bona fide contract relations have been consummated between the State and its citizens. It cannot be that these franchises of the State—very often conferring important rights of eminent domain—can be thus debased and abused. It would seem, that by operation of law, these rights would lapse to the State for non-user. At all events, the Attorney General will, at the first opportunity, make a test case for the Courts to determine the question, so that, if possible, these charters may be annulled. Meantime, I would suggest to the Legislature, that some law be passed revoking all such franchises wherever an actual and bona fide organization for the purposes of the grant has not been effected. This would no doubt materially aid the Attorney General in future litigation.

#### REGULATION OF TRANSPORTATION COMPANIES.

I recommend that the Legislature take steps to enforce, by appropriate legislation, Article XVII of the Constitution. That article provides that all individuals and associations shall have equal rights upon railroads and canals, without discrimination in charges or facilities as to persons or places. It prohibits the consolidation of the stock, property, or franchises of competing companies. It provides that common carriers shall not engage in any business other than that of common carrying. It seeks to prevent officers of corporations from corruptly profiting by the business of their companies. It prohibits unfair preferences in furnishing cars or motive power, by drawback or

otherwise, between transportation companies and individuals. It also forbids the issuing of free passes to any other than officers or employes.

In short, Article XVII seeks to make transportation companies act justly, to compel them to treat all citizens impartially and fairly, to make them deal honestly, and to prevent them harassing or oppressing any part of the community. Such wise and wholesome provisions, intended for the common good, ought not to be rendered abortive by the neglect of the legislative power. I sincerely recommend that a bill be passed to give full effect to these sections of the fundamental law, either by imposing penalties for their violation, or in such other way as the Legislature may determine. The Constitution was adopted in 1873, and up to this time no effort has been made to enforce its just provisions as to railroads and canals. I am glad to observe that a bill now before you relating to the free-pass abuse, which the Constitution prohibits. I trust an effective measure will be enacted upon that subject, as well as all those referred to in Article XVII.

#### THE STATE REVENUES.

A commission, to consider the revenues of the State, appointed at the last session of the Legislature, has, I understand, completed its labors, and reported a bill to your bodies. The Executive, therefore, defers any suggestions upon the subject of taxation until he has an opportunity of considering the completed recommendations of that commission. He will, from time to time, as the Constitution directs, communicate his thoughts to the Legislature as occasion may seem to warrant.

#### CONCLUSION.

No session, for many years, has presented so many

important subjects for legislative action. The people look forward with high expectancy to the results of your deliberations, and I entertain the belief that their hopes for wise and wholesome legislation will be realized.

ROBT. E. PATTISON.

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To the Assembly Vetoing "A Supplement to 'An Act to Provide for the Division of Counties of this Commonwealth, and the Erection of New Counties Therefrom,' Providing for the Election of Directors of the Poor in Poor Districts Lying in the New County Under the Limited System of Voting."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, February 23, 1883.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 174, entitled "A supplement to an act, entitled 'An act to provide for the division of counties of this Commonwealth, and the erection of new counties therefrom,'" approved the 17th day of April, 1878," providing for the election of directors of the poor in poor districts lying in the new county under the limited system of voting.

This bill provides that whenever any county shall have been divided, and a new county erected therefrom, under the provisions of the act of April 17, 1878, to which this bill purports to be a supplement, the directors of the poor districts lying in said new county shall not, after said division, continue to be appointed

by the courts of the said old county, or the judge or judges thereof, but they shall be elected by the qualified electors of their respective poor districts, under the limited system of voting, for the terms for which they are now appointed on the third Tuesday of February next preceeding the expiration of the term of office of such director or directors of the poor.

But one county has been erected under the provisions of the act of April 17, 1878, and that is the county of Lackawanna, to which alone this bill would immediately apply. By the third section of an act approved April 9, 1862, entitled "An act to authorize the erection of a poor-house by the borough of Dunmore, borough of Scranton and township of Providence, in the county of Luzerne," the qualified electors of the boroughs and townships therein named were authorized to elect directors of the poor, and in case of a vacancy occurring in the board of directors of the poor of said boroughs and townships by death, resignation, or otherwise, the judges of the court of quarter sessions of the county of Luzerne were empowered to appoint a suitable person to fill such vacancy. By a supplement to the act last named, approved March 16, 1866, it was provided, that whenever any vacancy should occur thereafter in the board of poor directors for the said boroughs and townships, whether such vacancy occurred by the expiration of the term of office or otherwise, the same should be filled by the appointment of the president judge of the court of common pleas in and for the county of Luzerne.

The county of Lackawanna was erected in 1878, and the boroughs of Dunmore and Scranton are included in its territory. The president judge of Luzerne county has claimed the right, and exercised the power, of appointing the directors of the poor for these boroughs, since the erection of Lackawanna as a county. The effect of the bill under consideration is to take

away from the president judge of Luzerne county the power of appointment of the directors of the poor of Lackawanna. The purpose of this bill may thus be perfectly right and proper, but its application is purely local and special. Such special legislation ought only to be had after the requirements of the Constitution, as to publication of notice, have been fully complied with. It ought not to be allowed under the form of a **general bill**.

One of the most beneficent results flowing from the adoption of the new Constitution has been the almost complete abolition of special legislation, and the banishment, on that account, from legislative halls of professional lobbyists. With the purpose, as far as it lies in my power, so to enforce the wise provision of the Constitution relating to special legislation, I cannot consent to the enactment of any local or special laws under the guise of a general law, or to the doing by indirection, what is directly prohibited in the Constitution. Another objection to the bill is that it applies the limited system of voting to Lackawanna county and such new counties as may hereafter be created, in the election of directors of the poor, whilst in all other counties of the State a different system prevails. I can see no reason for such a distinction. On the contrary, I am of the opinion that, as far as possible, all laws regulating the mode of voting, as well as the holding of elections and registration of electors, should be uniform throughout the State.

ROBT. E. PATTISON.



To the Senate Nominating Military Staff Officers of  
the Governor.

Executive Department,  
Harrisburg, February 24, 1883.

Gentlemen:—

I HAVE THE HONOR TO NOMINATE FOR THE  
advice and consent of the Senate,

P. Lacy Goddard, of Philadelphia county, to be in-  
spector general.

Louis W. Read, of Montgomery county, to be sur-  
geon general.

John J. Rogers, of Philadelphia county, to be judge  
advocate general.

George Sanderson, junior, of Lackawanna county, to  
be general inspector of rifle practice, of the Common-  
wealth of Pennsylvania.

Said appointments to date from February 24, 1883.

ROBT. E. PATTISON.

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To the Assembly Concerning the Alleged Bribery by  
a Certain Corporation of an Officer Employed to  
Recover Certain Taxes Due the Commonwealth  
from Said Corporation.

Executive Department,  
Harrisburg, Pa., March 1, 1883.

Gentlemen:—

IT HAS BEEN PUBLICLY ASSERTED BY MR.  
F. B. Gowen, a reputable and responsible citizen,  
in the hall of the House of Representatives, that  
one E. G. Patterson, a person employed by the State,  
in an action to recover certain taxes, claimed by the  
Auditor General, to be due by the Standard Oil Com-  
pany to the Commonwealth, was paid by the officers

of said corporation, to suppress the testimony he had collected, and the State was thereby prevented from obtaining its just dues. These charges, as made by Mr. Gowen, are substantially as follows:

"In a suit by this great Commonwealth against the Standard Oil Company, for the collection of taxes, which it refused to pay, he had been employed by the Commonwealth to collect testimony." "He admitted, under oath, that the Standard Oil Company paid him seven thousand five hundred dollars to suppress that testimony." "I am prepared to furnish the testimony, and I make this charge openly and publicly before the Legislature of the Commonwealth."

Though I have had serious doubts as to the propriety of an official recognition of such accusations, I have come to the conclusion, after a careful survey of the subject, that the matter, in the present instance, is of sufficient gravity to warrant my laying before you the fact I have been able to ascertain.

I herewith submit to you the following papers:

A paper purporting to be a contract between said Patterson and the State, through the Auditor General, Secretary of Internal Affairs, and the Attorney General, by which the said Patterson was employed to procure testimony in the suit against the Standard Oil Company; also, four letters from the then Attorney General to the said Patterson; a letter from the Auditor General upon the same subject; and a copy of certain testimony, said to have been given by Patterson, in a subsequent suit by him against the Tide Water Pipe Lines.

It will be seen by these papers that Patterson was employed by the State, and that he subsequently was employed by the Standard Oil Company, at large profit. Without expressing any opinion upon the subject, I deem it my duty to lay before the Legislature the facts I have been able to ascertain by a call upon the De-



partments. I also suggest that a committee of investigation be appointed by your bodies, with power to send for persons and papers, in order that the truth of the accusation made may be determined, and that the State may be vindicated in its efforts to compel corporations to be obedient to the law. If injustice has been done, either to the Commonwealth or any individual, it is of the first importance that the fact be ascertained, and the guilty punished, and the State enabled to obtain her legal and just dues.

I also suggest, while upon this subject, the propriety of the Legislature considering whether it might not be well to repeal the law giving the Auditor General and Attorney General the authority to employ private attorneys to collect claims due the State, at a compensation to be fixed by said officers. The law upon this subject was passed April 17, 1861, and is as follows:

"That whenever, in the opinion of the Auditor General or Attorney General, the interests of the Commonwealth require it, they, or either of them, shall have power to employ the services of resident attorneys to assist in the prosecution and trial of causes and the prosecution of claims, for which services such reasonable compensation as the circumstances will justify, or as may have been agreed upon, shall be allowed by the Auditor General."

Such methods as that here authorized are of questionable propriety, and are open to much abuse. In the present case, which calls for this message, Patterson might, if successful, have been paid twenty thousand dollars, a sum much greater than the compensation of the Attorney General, within the line of whose duties such matters are, or of any officer of the Commonwealth.

The whole system is one that ought to receive your careful consideration, with a view to its repeal, or, if

possible, its reformation. It seems to me that the Attorney General should collect all such claims without other remuneration than that now allowed him by law.

ROBT. E. PATTISON.

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To the Senate Nominating T. J. Smiley a Trustee of  
the Warren Insane Asylum.

Executive Department,  
Harrisburg, March 14, 1883.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, T. J. Smiley, of Titusville, Crawford county, to be trustee of the Warren Insane Asylum, vice John Fertig resigned.

ROBT. E. PATTISON.

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To the Senate Nominating Thomas H. Quigley  
Superintendent of the Marine Hospital at Erie.

Executive Department,  
Harrisburg, March 16, 1883.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Thomas H. Quigley, to be superintendent of the Marine Hospital, at Erie.

ROBERT E. PATTISON.

To the Senate Nominating Richard S. Edwards Commissary General.

Executive Department,  
Harrisburg, March 27, 1883.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Richard S. Edwards, to be Commissary General of the Commonwealth of Pennsylvania.

ROBT. E. PATTISON.

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To the Senate Nominating Arthur Maginnis a State Fishery Commissioner.

Executive Department,  
Harrisburg, March 29, 1883.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Arthur Maginnis, of the county of Monroe, to be State Fishery Commissioner, vice Howard J. Reeder, resigned.

ROBT. E. PATTISON.

To the Assembly Vetoing "An Act Amending 'An Act Relating to Counties and Townships, and County and Township Officers.'"

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, April 4, 1883.

Gentlemen:—

I RETURN YOU HEREWITH, WITHOUT MY SIGNATURE, House bill No. 63, entitled "An act amending the eighty-ninth section of the act entitled 'An act relating to counties and townships and county and township officers,' approved the fifteenth day of April, eighteen hundred and thirty-four."

This bill doubles the pay of assessors and assistant assessors of townships, by increasing their compensation from one dollar to two dollars a day for each day occupied by them in their duties. This is the sole purpose of the bill.

If their pay was increased, I do not believe they would do their work in any less time, but would simply get twice as much compensation for the performance of the same duties. Why should they be paid more than they now receive or have since the year 1834? There is no public demand for this increase, and I can see no reason for it. While the change from one dollar to two dollars may seem like a small matter, yet when the gross increase throughout the State is computed, it will be found to amount to many thousands of dollars.

Besides, these officers are only employed a few days in the year; their private business is not seriously interfered with or affected by their official duties, and the offices themselves were never, in contemplation of law, intended to be made desirable to be sought for as places of profit and emolument, but rather as posts of honor and local importance to be derived from the best motives of citizenship.

ROBT. E. PATTISON.

To the Assembly Vetoing "An Act Authorizing the Improvement of Streets in Cities of the Second Class, and Describing the Manner of Collecting the Cost of Said Improvements."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, April 4, 1883.

Gentlemen:—

I HEREWITH RETURN, WITHOUT MY SIGNATURE, House bill No. 464, entitled "An act authorizing the improvement of streets in cities of the second class, and describing the manner of collecting the cost of said improvements."

The reasons for withholding my approval from this bill are as follows: It extends the provisions of a special law relating to sewers, without re-enacting the same at length, as required by Article III, section 6, of the Constitution. This bill provides that the "cost of the improvement of streets" shall be collected in the same manner, and subject to the same restrictions, as are now prescribed by law for the assessment and collection of the cost and expense of the construction of sewers in such cities." This kind of legislation is clearly prohibited by the fundamental law. The bill should have set out at length that portion of the sewer law meant to be extended. The Constitution meant that each bill should, as far as possible, be a complete enactment by itself, having all its effects clearly discoverable within its four corners, so that "he who runs may read." This bill does not conform to that wise provision. It fails in so important a part as that relating to the manner of assessing and collecting costs and expenses against the citizen, the most vital part of the bill.

The bill also permits the city councils to direct improvements to be made in streets, lanes, and alleys, by grading, curbing, paving or macadamizing, and property owners to be charged with the assessed benefits thereof upon the "petition of a majority in interest of the property assessed for the avenue, street, lane, or alley, or part thereof, to be improved." This is not as it should be. Two or more large owners, who have "a majority in interest" of the property along a highway, ought not to be able to enforce costly improvements to be made thereon, and cost and expenses levied against a far greater number of small owners, who may be more deeply, if not so largely, interested in the affair. The just plan in such matters is to require the necessary petition to be joined in by a majority in number of the property owners affected thereby, and not merely by "a majority in interest." I regard this defect in the proposed law as a very serious one, that might injuriously affect that class in the community who own small homes, and whose concerns should be very carefully guarded. These citizens might find such a bill as the one now before me exceedingly burdensome and vexatious. For these reasons I return it without my approval.

ROBT. E. PATTISON.

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Proclamation Giving Notice of the Intended Forfeiture of the Charters of Certain Corporations and Companies.



IN THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania. ROBERT E.  
PATTISON, Governor of the Said  
Commonwealth.



Whereas the Auditor General has reported to me the fact that certain corporations and companies have failed for three successive years since the year ending with the first Monday of November 1879, to comply with the provisions of the second section of an act entitled "An act to provide revenue by taxation" approved the seventh day of June A D 1879:

And whereas the said act makes it the duty of the Governor, if he shall be satisfied that such failure has been intentional, to declare by proclamation the charters of said corporations and companies forfeited and their chartered privileges at an end.

Now, therefore, I, Robert E. Pattison, Governor of the Commonwealth of Pennsylvania, do hereby proclaim and give public notice that, at the expiration of thirty days from the date hereof, unless, meanwhile, good cause to the contrary, be shown, I will declare and proclaim the charters of the corporations and companies named in the list hereto annexed, forfeited and their chartered privileges at an end.

Given under my hand and the great seal of the Commonwealth at Harrisburg this sixth day of April Anno Domini one thousand eight hundred and eighty three and of the Commonwealth the one hundred and seventh.

ROBT. E. PATTISON.

By the Governor,

W. S. Stenger,

Secretary of the Commonwealth.



Name of Corporation.	Last Report.
Washington Improvement Co., .....	For year 1878
Iron City Fire Insurance Co., .....	For year 1876
Lock Haven Boot & Shoe Mfg. Co., .....	For year 1874
North Atlantic Express Co., .....	For year 1874
Merchants' & Mechanics' Insurance Co., Phila., ..	For year 1858
Atlantic Mutual Insurance Co., Phila., .....	For year 1857
Commonwealth Ins. Co., Harrisburg, .....	For year 1860
Allegheny & Manchester Plk. Road Co., .....	For year 1855
England Insurance & Deposit Co., .....	For year 1875
Milford & Owego Tpk. Co., .....	For year 1850
National Safety Insurance & Trust Co., .....	For year 1860
Globe Life Insurance & Annuity Co., .....	For year 1857
Central Insurance Co., Harrisburg, .....	For year 1860
Darby Turnpike & Plank Road Co., .....	For year 1879
Germantown Gas Co., .....	For year 1859
Philadelphia and Havre de Grace Steam Tow Boat Co., .....	For year 1863
Farmers' & Mechanics' Ins. Co., Phila., .....	For year 1855
Importers' & Traders' Ins. Co., Phila., .....	For year 1855
Girard Mammoth Coal Co., .....	For year 1870
Commonwealth Ins. Co. of Penna., .....	For year 1862
Lehigh Valley Iron Co., .....	For year 1878
President, Managers & Company for erecting a bridge over Lehigh River at Northampton, now Allentown, .....	For year 1863
Peters Mountain Tpk. Road Co., .....	For year 1863
Swede Iron Co., .....	For year 1868
Loretto Turnpike Co., .....	For year 1879
United States Life Ins., Annuity & Trust Co., ....	For year 1859
North Lebanon & Mt. Hope Plank & Tpk. Road Co., .....	For year 1857
Eureka Insurance Co., .....	For year 1873
Equitable Mutual Ins. Co., .....	For year 1865
Sharon Iron Co., .....	For year 1859
Southwark & Moyamensing Gas Co., .....	For year 1858
Strausburg Rail Road Co., .....	For year 1858
Columbia Mutual Insurance Co., .....	For year 1858
Falls Bridge Co., .....	For year 1858
Richmond Gas Co., .....	For year 1858
Philadelphia Steam Propeller Co., .....	For year 1860
New York & Erie Rail Road Co., .....	For year 1861
Quaker City Insurance Co., .....	For year 1857
Eastern Insurance Co., .....	For year 1858



Name of Corporation.	Last Report.
Hope Mutual Insurance Co., Phila., .....	For year 1859
Middlesex Coal Co., .....	For year 1864
Schuylkill & Dauphin Import & R. R. Co., .....	For year 1870
Prest. & Managers of the Mahoning Mouth Bridge Co., .....	For year 1876
Carbon Run Improvement Co., .....	For year 1859
Lehigh Slate Co., .....	For year 1878
Philada. & Wilkes-Barre Telegraph Co., .....	For year 1867
Butler Mining & Mfg. Co., .....	For year 1878
Yardleyville & Newtown Plank Road & Tpk. Co., .....	For year 1858
Beckelsville Iron Co., .....	For year 1878
Short Mountain Coal Co., .....	For year 1870
President, Managers & Company of the Centre & Kishacoquillas Tpk. Road Co., .....	For year 1877
Harrisburg Cotton Co., .....	For year 1864
Greenwich Oil Refining & Storage Co., .....	For year 1877
Manufacturers' Insurance Co. of Penna., .....	For year 1869
Consolidated Insurance Co. of Phila., .....	For year 1858
Phila. Fire Extinguisher Co., .....	For year 1874
Keystone Coal & Mfg. Co., .....	For year 1879
Centennial Catalogue Co., .....	For year 1877
Big Mountain Imprvt. Co., .....	For year 1876
Prest., Managers and Company of the Easton & Wilkes-Barre Tpk. Road, .....	For year 1858
Connewango Bridge Co., .....	For year 1877
Donaldson Imprvt. & R. R. Co., .....	For year 1862
Reading Water Co., .....	For year 1864
Karthaus Coal & Lumber Co., formerly Bingham Mining & Lumber Co., .....	For year 1867
Swatara Rail Road Co., .....	For year 1861
Reading Manufacturing Co., .....	For year 1859
Carbon Iron Co., .....	For year 1876
Baltimore Coal Co., .....	For year 1867
American Mutual Insurance Co., .....	For year 1866
Doylestown Insurance Co. of Bucks Co., .....	For year 1869
Howard Fire and Marine Ins. Co., .....	For year 1858
Great Western Insurance & Trust Co., .....	For year 1858
Germania Sick Relief Asso. of Allegheny, .....	For year 1874
Neptune Insurance Co., .....	For year 1858
Gunpowder Pile Driving Co. of the U. S., .....	For year 1874
Lancaster Locomotive Works, .....	For year 1858
New York and Penna. Coal Co., .....	For year 1858
Pittston Coal Co., .....	For year 1862
Hematite Iron Co., .....	For year 1877

Name of Corporation.	Last Report.
North Western Coal & Iron Co., .....	For year 1875
Trevorton Coal & Rail Road Co., .....	For year 1859
Lycoming Iron & Coal Co., .....	For year 1861
National Anthracite Coal Co., .....	For year 1858
Seneca Coal Co., .....	For year 1858
Columbia Coal & Iron Co., .....	For year 1858
Multiple Non-Freezing Fire Plug Stop & Branch Co., .....	For year 1878
Dundee Coal Co., .....	For year 1863
North Branch Coal Co., .....	For year 1858
Fairmount Passenger Railway Co., .....	For year 1859
West Philadelphia Mfg. Co., .....	For year 1858
Pottsville Boot & Shoe Mfg. Co., .....	For year 1877
Penna. & European Petroleum Co., .....	For year 1877
Tangascootack Coal Co., .....	For year 1859
Richter Artificial Ice Co., .....	For year 1879
Morris Mfg. Co., .....	For year 1859
Pittsburgh Keg & Barrel Co., .....	For year 1878
President & Managers of the Kensington and Ox- ford Tpk Road Co., .....	For year 1875
Allen Gas Co., .....	For year 1876
Hartford Coal Co., .....	For year 1859
Pembroke Oil Co., .....	For year 1878
President, Managers and Company of the Lawson- ham Bridge Co., .....	For year 1859
Gettysburg Rail Road Co., .....	For year 1863
Mercer and Shenango Plk. Road Co., .....	For year 1854
Bald Eagle Plank Road Co., .....	For year 1854
Enterprise Insurance Co., .....	For year 1872
Hyde Park Coal Co., .....	For year 1860
Washington Fire & Marine Ins. Co., .....	For year 1860
Laporte Tannery Co., .....	For year 1862
Fulton Hall Asso., Lancaster, .....	For year 1865
Franklin Hall Asso., Chambersburg, .....	For year 1860
Pittsburgh and East Liberty Pass. Ry. Co., .....	For year 1861
Williams Marble & Slate Mfg. Co., .....	For year 1877
Fire Insurance Co. of Northampton Co., .....	For year 1878
Sullivan Anthracite Coal Co., .....	For year 1873
Bristol Forge & Iron Co., .....	For year 1866
West Branch & Susquehanna Canal Co., .....	For year 1872
Union Brake-Shoe Co., .....	For year 1872
Eureka Oil Co., .....	For year 1864
Susquehanna River & North & West Branch Tel. Co., .....	For year 1866

## Name of Corporation.

## Last Report.

Eagleton Coal & Iron Co., .....	For year 1863
Germantown Market Co., .....	For year 1861
Wyoming Insurance Co., .....	For year 1872
Grassy Island Coal & R. R. Co., .....	For year 1875
Western Market Co., .....	For year 1870
Franklin Market Co., .....	For year 1863
Penna. Iron Co., .....	For year 1878
Kensington Ins. Co., .....	For year 1868
Fairmount and Arch St. City Pass. Ry. Co., .....	For year 1864
Chemung Bridge Co., .....	For year 1874
Philadelphia Coal Co., .....	For year 1878
Carbondale Co-Operative Co., .....	For year 1878
Real Estate Savings Institution of Pbgh., .....	For year 1866
Sugar Notch Coal Co., .....	For year 1863
New Castle & New Wilmington Plk. Road Co., ...	For year 1864
Quicksilver Mining Co., .....	For year 1865
Cedar Hollow Lime Co., .....	For year 1863
Riddlesburg Improvement Co., .....	For year 1863
Wyoming Coal & Transfer Co., .....	For year 1879
Roberts Oil & Mining Co., .....	For year 1866
Egbert Oil Co., .....	For year 1878
Lamberton Oil & Mfg. Co., .....	For year 1865
Hyde Farm Oil Co., .....	For year 1875
Longwood Coal & Iron Co., .....	For year 1864
Trevorton Coal Co., .....	For year 1864
Bull Creek Oil Co., .....	For year 1865
Organic Oil Co., .....	For year 1867
Washington Oil Co., .....	For year 1867
Van Buren Oil Co., .....	For year 1867
Seneca Oil Co., .....	For year 1871
Cranberry Coal Co., .....	For year 1870
Perry Oil Co., .....	For year 1866
Schuykill & Oil Creek Oil Co., .....	For year 1865
Keystone Oil Co., .....	For year 1865
Millport Slate Co., .....	For year 1873
Philada. Oil & Mfg. Co., .....	For year 1864
Union Coal Co., .....	For year 1867
Swatara Falls Coal Co., .....	For year 1865
Cherry Run Petroleum Co., .....	For year 1879
Red Mount Coal & Imprvt. Co., .....	For year 1864
Reno Real Estate Co., .....	For year 1878
Upper Economy Petroleum Co., .....	For year 1864
Green Hill Oil Co., .....	For year 1864

Name of Corporation.	Last Report.
Alps Insurance Co., .....	For year 1872
Union Deposit Iron Co., .....	For year 1866
Hosmer Oil Co., .....	For year 1868
Williamsport Fire Insurance Co., .....	For year 1874
Pope Farm Oil Co., .....	For year 1865
Eagle Rock Oil Co., .....	For year 1864
Middle Walnut Oil Co., .....	For year 1865
Central Pass. Ry. Co. of Reading, .....	For year 1873
Kingsland Oil Co., .....	For year 1869
Venango Oil & Mfg. Co., .....	For year 1864
Globe Oil Co., .....	For year 1864
Hoge Island Lubricating Oil Co., .....	For year 1865
Eldorado Oil Co., .....	For year 1865
Petroleum Centre Co., .....	For year 1866
Briggs Oil Co., .....	For year 1865
Parker Petroleum Co., .....	For year 1865
Union Petroleum Co., .....	For year 1867
Noble & Delamater Petroleum Co., .....	For year 1869
Densmore Oil Co., .....	For year 1878
New York & Schuylkill Coal Co., .....	For year 1863
Phillips Oil Co., .....	For year 1866
Reinhard Petroleum Co., .....	For year 1866
Hoover Oil Co., .....	For year 1864
Olmstead Oil Co., .....	For year 1866
Lewisburg Building Asso., .....	For year 1866
Maple Shade Oil Co., .....	For year 1872
Mineral Oil Co., .....	For year 1870
Maguire Petroleum Co., .....	For year 1865
Rock Oil Co., .....	For year 1866
Empire & Oil City Petroleum Co., .....	For year 1864
Alcorn Oil Co., .....	For year 1865
French Creek Lubricating Oil Co., .....	For year 1865
Decatur Oil Co., .....	For year 1864
Great Basin Oil Co., .....	For year 1864
Smoky City Oil Co., .....	For year 1865
Cow Creek & Stilwell Run Oil Co., .....	For year 1864
Fayette Oil Co., .....	For year 1864
Farr Farm Oil Co., .....	For year 1866
Sugar Creek Oil Co., .....	For year 1865
Hancock Oil Co., .....	For year 1864
Walnut Island Oil Co., .....	For year 1864
McElrath Oil Co., .....	For year 1864
Oil City & Pittsburgh Oil Co., .....	For year 1866

Name of Corporation.	Last Report.
Beacon Oil Co., .....	For year 1864
Gillfillan Oil Co., .....	For year 1866
Rathbone Petroleum Co., .....	For year 1866
Feeder Dam Oil Co., .....	For year 1874
Dauphin & Colorado Gold Mining Co., .....	For year 1864
American Kaolin Co., .....	For year 1875
Credit Mobilier of America, .....	For year 1878
Revenue Oil Co., .....	For year 1878
Junetion Oil Co., .....	For year 1864
Caledonia Oil Co., .....	For year 1864
Saegar Farm Oil Co., .....	For year 1864
Sutley Lubricating Oil Co., .....	For year 1864
Philadelphia & Colorado Gold Mining Co., .....	For year 1865
Lawrence Salt and Coal Co., .....	For year 1865
Logan Oil Co., .....	For year 1864
Dark Hollow Oil & Mfg. Co., .....	For year 1867
Girard Petroleum Co., .....	For year 1864
Dagusahonda Improvement Co., .....	For year 1867
Penna. Central Coal & Oil Co., .....	For year 1864
Montgomery Oil Co., .....	For year 1872
St. Clair Coal Co., .....	For year 1865
Howes Eddy Oil Co., .....	For year 1865
Western Transportation Co., .....	For year 1867
Ross Oil Co., .....	For year 1864
River Oil Co., .....	For year 1865
Slippery Rock Petroleum Co., .....	For year 1870
Prospect Oil Co., .....	For year 1867
German Oil Co., .....	For year 1867
McCormick & McKissick Lubricating Oil Co., ....	For year 1864
Aetna Oil Co., .....	For year 1864
Mammoth Vein Consolidated Coal Co., .....	For year 1866
Broad Mountain Mammoth Vein Coal Co., .....	For year 1864
Navy Yard, Broad St. & Fairmount Pass. Ry. Co.,	For year 1864
Plymouth Iron Co., .....	For year 1873
Schaffer Farm Oil Co., .....	For year 1868
Stewart Farm Petroleum Co., .....	For year 1865
McMahon Oil Co., .....	For year 1866
Platt Oil Co., .....	For year 1866
Mercantile Asso. of Reading, .....	For year 1866
Connellsville Basin Oil Co., .....	For year 1866
Indian Creek Oil Co., .....	For year 1866
Alliance Petroleum & Coal Co., .....	For year 1865
Crescent City Oil Co., .....	For year 1865

Name of Corporation.	Last Report.
Imperial & Kanawha Valley Oil Co., .....	For year 1866
North Western Oil Co. of Venango Co., .....	For year 1865
Montour Oil Co., .....	For year 1865
Lamb Farms Petroleum Co., .....	For year 1865
New York & Boston Silver Lead Co., .....	For year 1866
Hercules Rock Oil Co., .....	For year 1866
Kussart Farm Oil Co., .....	For year 1865
Powell Run & Slippery Rock Oil Co., .....	For year 1866
New Empire Iron & Petroleum Co., .....	For year 1870
Superior Oil Co., .....	For year 1865
New Era Oil, Lumber & Mining Co., .....	For year 1872
Northern Light Petroleum Co. of Pa., .....	For year 1872
Charter Oak Petroleum Co. of Pa., .....	For year 1872
Hemlock Petroleum Oil Co., .....	For year 1865
Great Eastern Rock Oil Co., .....	For year 1868
Highland Enterprise Petroleum Co., .....	For year 1865
Mammoth Vein Coal Co., .....	For year 1865
Central Basin Oil Co., .....	For year 1865
Sage Run & Oil Creek Petroleum Co., .....	For year 1865
Mercantile Petroleum Co., .....	For year 1866
Haselton Petroleum Co., .....	For year 1866
Cross Cut Rail Road Co., .....	For year 1866
Morgan Oil Co., .....	For year 1865
Security Petroleum Co., .....	For year 1865
Northumberland Coal Co., .....	For year 1865
Fountain Oil Co., .....	For year 1865
Keystone Iron Co., .....	For year 1867
Silver Run Oil Co., .....	For year 1865
Dustin Farm & Cherry Run Oil Co., .....	For year 1868
Buchanan Royalty Oil Co., .....	For year 1878
Ohio Basin Oil Co., .....	For year 1866
Baltimore Petroleum Co., .....	For year 1865
Old Township Line Road Co., .....	For year 1876
Hopewell Oil Co., .....	For year 1865
Farr Homestead Oil Co., .....	For year 1867
Latonia & Sage Run Petroleum Co., .....	For year 1865
Spanish Gold & Silver Mining Co., .....	For year 1865
Frost Petroleum Co., .....	For year 1867
Rush Farm Oil Co., .....	For year 1865
Cameron Petroleum Co., .....	For year 1873
Duquesne Oil Co., .....	For year 1878
Anderson Petroleum Co., .....	For year 1865

Name of Corporation.	Last Report.
Lynn Camp Creek Oil Co., .....	For year 1865
Pithole Oil Company, .....	For year 1878
Macksburg Petroleum Co., .....	For year 1866
Big Sandy Oil Co., .....	For year 1865
Big Sandy Oil and Mining Co., .....	For year 1865
Winana Oil Co., .....	For year 1865
Ricketts Farm Petroleum Co., .....	For year 1865
Hosmer Run Oil Co., .....	For year 1866
Tallman Petroleum & Mining Co., .....	For year 1865
National Oil Co. of New York, .....	For year 1879
Franklin Suspension Bridge Co., .....	For year 1871
Sugar Dale Oil Co., .....	For year 1879
Lehigh Rolling Mill Co., .....	For year 1865
Burning Spring Oil Co., .....	For year 1865
Woodford Oil Co., .....	For year 1866
Clawson Oil Co., .....	For year 1865
United States Petroleum Co., .....	For year 1868
McKinley No. 2 Oil Co., .....	For year 1865
Wiley Oil Co., .....	For year 1865
Excelsior Coal Co., .....	For year 1866
Penna. & Ohio Oil Co., .....	For year 1867
North Carbondale Coal Co., .....	For year 1867
Jacobs Creek Oil Co., .....	For year 1878
McKean Co. Bit. Coal Co., .....	For year 1866
North American Petroleum Co., .....	For year 1869
Oil Creek and East Sandy Oil Co., .....	For year 1865
Cascade Petroleum Co., .....	For year 1865
Branden Island Oil Co., .....	For year 1865
Beekman Oil Co., .....	For year 1866
Oak Ball Oil Co. of Pa., .....	For year 1865
Broken Rock Petroleum Co., .....	For year 1865
McAboy Cherry Run Oil Co., .....	For year 1865
Beaty Farm Oil Co., .....	For year 1874
Maple Farm Oil Co., .....	For year 1865
Black Diamond Coal & Iron Co., .....	For year 1873
Eagle Gold Mining Co., .....	For year 1865
Plymouth Coal Co., .....	For year 1867
Hoover & Marshall Oil Co., .....	For year 1877
Riverside Petroleum Co., .....	For year 1868
Cherry Run Petroleum Co. of N. Y., .....	For year 1865
Sunbury Oil Co., .....	For year 1866
Wolff Creek Diamond Coal Co., .....	For year 1871
Jocelyn Oil Land Asso., .....	For year 1879



Name of Corporation.	Last Report.
Sherman Oil Co., .....	For year 1873
Philpot & Sherman Petroleum Co., .....	For year 1865
Mingo Oil Co., .....	For year 1867
Goodwin Sugar Creek Oil Co., .....	For year 1865
Hahn's Ferry Oil Co., .....	For year 1867
East Mahanoy Coal Co., .....	For year 1866
Western Oil Co., .....	For year 1865
Indian Spring Oil Co., .....	For year 1865
Niagara Oil Co. of Pa., .....	For year 1872
Ashland Petroleum Co., .....	For year 1865
New Jersey Petroleum Co., .....	For year 1865
New England Petroleum Co., .....	For year 1865
Patapsco Lubricating Oil Co., .....	For year 1865
Silver Farm Petroleum Co., .....	For year 1865
Glen Carbon Coal Co., .....	For year 1866
Kinzua Coal Co., .....	For year 1869
Copeland Farm Oil Co., .....	For year 1864
Federal Petroleum Co., .....	For year 1866
Miller Farm Oil Co., .....	For year 1865
Mercantile Oil Co. of N. Y., .....	For year 1865
McKinley Oil Co., .....	For year 1865
Loomis Oil Co., .....	For year 1865
Fountain Oil Co., .....	For year 1865
Devon Oil Co., .....	For year 1865
Clifton Petroleum Co., .....	For year 1865
Siverly Run Oil Co., .....	For year 1870
Hayes Farm Oil Co., .....	For year 1868
Eureka Oil Co., .....	For year 1865
Kinkaid Oil Co., .....	For year 1865
Cotter Farm Oil Co., .....	For year 1865
Venango Petroleum Co., .....	For year 1865
Shirk Farm Oil Co., .....	For year 1865
Tionesta Oil, Lumber & Mining Co., .....	For year 1865
Laurel Lick Oil Co., .....	For year 1865
Pittsburgh, New York & Tionesta Petro. Co., ....	For year 1865
Nonpariel Oil Co., .....	For year 1865
Berry Farm Oil Co., .....	For year 1865
Cherry Tree Run & Oil Creek Oil Co., .....	For year 1865
Western Penna. Oil Co., .....	For year 1873
Cherry Run Central Oil Co., .....	For year 1865
Maple Amber Oil Co., .....	For year 1865
Mammoth Oil & Coal Co., .....	For year 1865
Derby Iron Mining Co., .....	For year 1866
Philada. & Sugar Creek Oil Co., .....	For year 1865



## Name of Corporation.

## Last Report.

Border Oil Co., .....	For year 1867
Lambs Run Oil Co., .....	For year 1865
Lackawanna Petroleum Co., .....	For year 1870
Oil Creek and Cherry Run Oil Co., .....	For year 1865
New York and Chicago Petroleum Co., .....	For year 1866
Foster Island Petroleum Co., .....	For year 1865
Hudson Oil Co., .....	For year 1865
Venango Central and Duck Pond Petro. Co., .....	For year 1877
Youghiogheny River Oil Co., .....	For year 1865
Irving Oil and Mining Co., .....	For year 1865
Bissell Oil & Mfg. Co., .....	For year 1865
Home Assurance Co. of Pa., .....	For year 1866
Blood Farm Petroleum Co., .....	For year 1872
Oil City Petroleum Co., .....	For year 1865
Eagle Hill Mutual Coal Co., .....	For year 1865
Big Whitely Creek Oil Co., .....	For year 1865
Masonic Hall Asso. of Jenkintown, .....	For year 1879
Maple Grove Petroleum Co., .....	For year 1866
Buchanan Oil Petroleum Co., .....	For year 1866
Milletown Tube & Iron Co., .....	For year 1879
Petrona Oil Co., .....	For year 1865
Wirt Petroleum Co. of West Va., .....	For year 1865
State Capital Co., .....	For year 1866
Dunkard Oil Co., .....	For year 1865
Great American Oil Co., .....	For year 1870
Boston Petroleum Co. of the City of N. Y., .....	For year 1869
Success Oil Co. of New York, .....	For year 1865
Storey & McClintock Petroleum Co., .....	For year 1865
Consolidated Oil Co., .....	For year 1865
Salmon Creek Oil Co., .....	For year 1865
Sayers Farm Oil Co., .....	For year 1865
Heydrick Oil Co., .....	For year 1865
Ross Farm Petroleum Co., .....	For year 1865
Hickory Island Petroleum Co., .....	For year 1865
Commonwealth Oil Co., .....	For year 1865
Home Petroleum Co., .....	For year 1878
Central Petroleum Co., .....	For year 1878
Washington Eureka Oil Co., .....	For year 1865
Knickerbocker Petroleum Co., .....	For year 1865
Ceres Oil Co., .....	For year 1865
Everett Oil Co., .....	For year 1865
Spring Hill Refining Co. of Pa., .....	For year 1865
Farel Oil Co., .....	For year 1867

Name of Corporation.	Last Report.
Baltimore and Venango Oil Co., .....	For year 1865
Clarion Coal & Oil Co., .....	For year 1865
Great Western Consolidated Oil Co. of Pa., .....	For year 1865
Redfield Petroleum Co., .....	For year 1865
President Petroleum Co., .....	For year 1865
Porcupine Petroleum Co., .....	For year 1865
Guild Farm Petroleum Co., .....	For year 1865
Ward Farm Petroleum Co., .....	For year 1865
Dawson Run Petroleum Co., .....	For year 1865
Bell Farm Petroleum & Coal Co., .....	For year 1865
Centralia Oil Co., .....	For year 1870
McCrea Petroleum Co., .....	For year 1865
Wallover Oil Co., .....	For year 1865
Oakland Coal Co., .....	For year 1865
McClintock Farm & Cherry Run Petro. Co., .....	For year 1865
Phillips Petroleum Co., .....	For year 1865
Sage Run Oil Co., .....	For year 1865
Ogden Oil Co., .....	For year 1865
Union Lubric Oil Co., .....	For year 1866
McRea & Cherry Run Oil Co., .....	For year 1865
Western Union Petroleum Co., .....	For year 1865
Cherry Run and Pittsburg Petro. Co., .....	For year 1865
First Natl. Petro. Co. of N. Y. and Penna., .....	For year 1865
Philada. Lubricating Oil Co., .....	For year 1865
Prather Farm Oil Co., .....	For year 1865
Sheffield and Tionesta Oil Co., .....	For year 1865
Noble Farm Petroleum Co., .....	For year 1865
Stowell Farm Oil Co., .....	For year 1878
Pithole and Kanawha Oil Co., .....	For year 1867
Lochiel Iron Co., .....	For year 1870
Elk County Imprvt. & Mining Co., .....	For year 1865
Benezet Oil and Coal Co., .....	For year 1865
Noble & Delmatter Rock Oil Co. of N. Y., .....	For year 1865
Bennehoff Reserve Oil Co., .....	For year 1865
Allegheny River & Shull's Run Oil Co., .....	For year 1865
Mt. Carbon Rolling Mill Co., .....	For year 1865
Maple Grove Oil Co. of Baltimore, .....	For year 1865
Sugar Creek and Beatty Run Oil Co., .....	For year 1865
Original Petroleum Co., .....	For year 1865
Indian Oil Creek Petroleum Co., .....	For year 1865
Wilkins Farm Oil Co., .....	For year 1865
Marion Oil and Mining Co., .....	For year 1865
Kennebec Petroleum Co., .....	For year 1865

## Name of Corporation.

## Last Report.

Rock Drill Mfg. & Mining Co.,	For year 1865
Franklin & Oil Creek Turnpike Road Co.,	For year 1865
Ashton Oil & Mining Co.,	For year 1865
Angus Farm Oil Co.,	For year 1865
Mt. Vernon Oil Co.,	For year 1865
Penna. and European Petro. Co.,	For year 1878
South Park Gold Mining & Exploring Co.,	For year 1865
Pioneer Mining Co. of Colorado,	For year 1867
Crawford Coal Co.,	For year 1870
Knickerbocker Anthracite Coal Co.,	For year 1874
Heydrick Bros. Oil Co.,	For year 1865
Pearl Oil Co.,	For year 1865
Ashburton Coal Co.,	For year 1866
Bennehoff Run Petroleum Co.,	For year 1867
New York Maple Shade Oil Co.,	For year 1865
Consolidated Petroleum Oil Co. of N. Y.,	For year 1865
Fishing Creek Oil and Mining Co. of W. Va.,	For year 1865
Federal Oil Co.,	For year 1865
Mountain Well Oil Co.,	For year 1865
Jennings Oil Co.,	For year 1865
Gibson Oil Co.,	For year 1865
Two Mile Run Oil Co.,	For year 1866
West Creek Mfg. & Mining Co.,	For year 1871
Star Oil Co.,	For year 1865
Olive Branch Oil Co.,	For year 1865
Perkiomen Oil Co.,	For year 1866
Lebanon Oil & Mining Co.,	For year 1865
Oil Creek & Pithole Oil Co.,	For year 1879
Glen Hope Oil & Mining Co.,	For year 1866
New Boston Coal Mining Co.,	For year 1867
Windsor Oil Co.,	For year 1865
Tionesta Natural Petro., Lumber & Mining Co.,	For year 1865
Cherry & Trust Run Oil & Mining Co.,	For year 1865
Feliciano Oil Co.,	For year 1865
Amity Oil Co.,	For year 1865
Chestnut Glen Oil Co.,	For year 1865
Franklin Lubricating Oil Co.,	For year 1865
Farmers' & Merchants' Insu. Co., York,	For year 1867
Tarentum Oil, Salt & Coal Co.,	For year 1865
Lick Run & Sugar Creek Oil Co.,	For year 1865
Walnut Bend & Cherry Run Oily Co.,	For year 1865
Walnut Bend & Cherry Run Oil Co.,	For year 1865
People's Equitable Oil Co.,	For year 1865

Name of Corporation.	Last Report.
Rochester Flowing Wells Co., .....	For year 1866
Crescent Oil Co., .....	For year 1865
Gap Mining Co., .....	For year 1865
Mount Pleasant Coal Co., .....	For year 1877
Foster Coal & Iron Co., .....	For year 1869
Glasgow Oil Co., .....	For year 1867
Mauch Chunk Slate Co., .....	For year 1871
Panna & Sugar Creek Petroleum Co., .....	For year 1867
Lehigh River Slate Co., .....	For year 1870
Banner Petroleum Co., .....	For year 1866
Petroleum Consolidation, .....	For year 1866
Lackawanna Valley Coal Co., .....	For year 1871
Lackawanna Paper & Mfg. Co., .....	For year 1866
Petroleum Mining Co. of Pa., .....	For year 1867
Republic Insurance Co., .....	For year 1866
Paxton Petroleum Co., .....	For year 1866
East Mt. Laffir Coal Co., .....	For year 1866
Titus Oil Co., .....	For year 1870
Central Lehigh Slate Co., .....	For year 1866
Penna. Tubing Transfer Co., .....	For year 1867
Laytonia Coal Co., .....	For year 1866
Belfast Slate Co., .....	For year 1871
Lebanon Paper Co., .....	For year 1876
New Castle Mutual Coal Co., .....	For year 1866
Bliven Petroleum Co., .....	For year 1876
Rockwood Oil Co., .....	For year 1866
Tamaqua Rolling Mill Co., .....	For year 1870
Star Coal Co., .....	For year 1866
Cork Car Spring Co., .....	For year 1867
McNeal Coal & Iron Co., .....	For year 1871
National Slate Co., .....	For year 1867
American Gum Paint Co., .....	For year 1866
Morris Run Coal Co., .....	For year 1874
Buffalo, Corry & Pittsburgh R. R. Co., .....	For year 1877
Pittsburgh Steam Brick Co., .....	For year 1867
Whitestown Coal Co., .....	For year 1869
Vesuvius Manfg. Co., .....	For year 1879
Shawmut Coal Co. of Elk Co., .....	For year 1869
Pittsburgh Paper Mfg. Co., .....	For year 1873
Coal Bluff Mining Co., .....	For year 1873
Morris Farm Oil Co., .....	For year 1867
Lisbon Oil Co., .....	For year 1879
Buffalo & Erie Rail Road Co., .....	For year 1869

Name of Corporation.	Last Report.
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Lake Shore Railway Co., .....	For year 1869
Freedom Iron & Iron Steel Co., .....	For year 1868
Alaska Iron Co., .....	For year 1869
Farmers' Western Market Co., .....	For year 1870
Brooklyn Slate Co., .....	For year 1870
Pittston & Elmira Coal Co., .....	For year 1874
National Iron Co., .....	For year 1870
Penna. Fire Clay Co., .....	For year 1870
Brown Silver Mining Co., .....	For year 1870
Glen Alden Coal Co., .....	For year 1876
Old Dominion Mining Co., .....	For year 1868
McMillen Oil Co., .....	For year 1878
Hickory Coal Co., .....	For year 1874
Pembroke Oil Co., .....	For year 1871
Guardian Fire & Marine Ins. Co., .....	For year 1870
Maple Grove Coal Co., .....	For year 1870
American Steel Co., .....	For year 1870
American Mining Co. of the U. S. & Territories & of Mexico, .....	For year 1870
Howell Farm Oil Co., .....	For year 1869
Luzerne Powder Co., .....	For year 1870
Lebanon Transportation Co., .....	For year 1878
Union Central Coal, Iron & R. R. Co., .....	For year 1878
Shamberg Petroleum Co., .....	For year 1870
Derby Coal Co., .....	For year 1873
Enterprise Slate Co., .....	For year 1870
Citizens' Oil Refining Co., .....	For year 1875
Brickwood Lumber Co., .....	For year 1870
Roberts Run Coal Co., .....	For year 1878
Marine Oil Co., .....	For year 1878
Isometrical Truss Bridge Co., .....	For year 1871
Mercer Wooden Mfg. Co., .....	For year 1873
Neshannock R. R., Coal & Ore Co., .....	For year 1871
Centre Hall Mfg. Co., .....	For year 1869
Lehigh Mountain Iron Co., .....	For year 1873
Thomas Slate Co., .....	For year 1870
American Car Coupling Co., .....	For year 1872
Williamsport Iron & Lumber Co., .....	For year 1871
Enterprise Coal Co., .....	For year 1878
Allen Wright Oil Co., .....	For year 1873
Philada. Telegraph Co., .....	For year 1873
Chicago & Pittsburg Mining & Trans. Co., .....	For year 1872
Corry Manufacturing & Lumber Co., .....	For year 1874

Name of Corporation.	Last Report.
Columbia Mining Co., .....	For year 1879
Enterprise Insurance Co., .....	For year 1878
Elmira Slate Co., .....	For year 1874
Bedford County Mutual Oil Co., .....	For year 1877
Massachusetts Coal Co., .....	For year 1869
Hasson Farm Bridge Co., .....	For year 1873
Great Basin Mining Co., .....	For year 1873
Wilmington & Reading R. R. Co., .....	For year 1874
U. S. Rail Road & Mining Register, .....	For year 1870
Williamsburg Mfg. Co., .....	For year 1877
Thomas Coal Co., .....	For year 1877
Towanda Tanning Co., .....	For year 1879
Philadelphia Rail Road Lamp Co., .....	For year 1870
Keystone Sewing Machine Co., .....	For year 1874
Wampum Mining & Mfg. Co., .....	For year 1879
Penna. Coal & Ice Co., .....	For year 1878
Pittsburg National Coal & Coke Co., .....	For year 1879
Northampton & Monroe Coal Co., .....	For year 1874
Warrington Steel Pen Co., .....	For year 1875
Harrisburg Fertilizer Co., .....	For year 1879
Alaska Coal Co., .....	For year 1875
Wilkes-Barre Market Co., .....	For year 1872
Girard Tube Works & Iron Co., .....	For year 1874
Citizens' White Lead Co., .....	For year 1872
Excelsior Oil Mfg. Co. of Pa., .....	For year 1871
Union Petroleum Co., .....	For year 1873
Homestead Bank & Life Insurance Co., .....	For year 1878
Atlantic Barrel Mfg. Co., .....	For year 1877
Fairchance Iron Co., .....	For year 1879
Crescent Spring Co., .....	For year 1877
Keystone Fire Insurance Co., Reading, .....	For year 1877
Peabody Mutual Life Ins. & Trust Co., .....	For year 1876
Coke Gas Co., .....	For year 1871
Smoke Consuming Heat & Gas Light Co., .....	For year 1871
Modern Life Ins. & Improvt. Trust Co., .....	For year 1877
Columbia Steel & Iron Co., .....	For year 1874
Emaus Iron Co., .....	For year 1874
Thorn Creek Oil Co., .....	For year 1878
Bridgewater Paper Co., .....	For year 1871
Titusville Printing Asso., .....	For year 1872
Central Improvement Co., .....	For year 1875
W. H. Hyde & Son Mfg. Co., .....	For year 1875
Merchants' & Manufacturers' Mut. Printing Co., ..	For year 1872

## Name of Corporation.

## Last Report.

Brevoort Petroleum Co., .....	For year 1873
Southern & Western Pub. & Printing Co., .....	For year 1874
National Fire & Marine Ins. Co., .....	For year 1873
Eclipse Lubricating Oil Co. of Franklin, .....	For year 1874
Croft Farm Oil Co., .....	For year 1876
New Castle Iron Co., .....	For year 1875
Anchor Coal & Iron Co., .....	For year 1873
Erie Lumber Co., .....	For year 1873
Saturday Post Publishing Co., .....	For year 1873
Diamond Ink Company, .....	For year 1873
Lykens Mfg. & Lumber Co., .....	For year 1877
South Side Fire Insurance Co., .....	For year 1874
Middlesex Rolling Mill Co., .....	For year 1874
Antwerp Pipe Line Co., .....	For year 1877
Metallic Suspension Wheel Co., .....	For year 1876
Sheldon Spooler Co., .....	For year 1873
Philadelphia Spring Seat Co., .....	For year 1873
Scranton City Cottage Co., .....	For year 1876
Bayliss & Darby Mfg. Co., .....	For year 1873
Minersville Coal & Lumber Co., .....	For year 1875
South West Penna. Improvt. Co., .....	For year 1873
Spring Brook Rwy. Co., .....	For year 1878
Hutchinson Oil & Refining Co., .....	For year 1873
Branson Manfg. Co., .....	For year 1877
People's Planing Mill Co. of Altoona, .....	For year 1878
Taylorville Co-Operative Co., .....	For year 1874
National Land & Improvt. Co., .....	For year 1875
Williamsport Iron & Lumber Co., .....	For year 1873
American Carburetter Co., .....	For year 1874
Allegheny Car and Transportation Co., .....	For year 1876
Pittsburg & Western Co., .....	For year 1873
Erie Transfer Co., .....	For year 1873
Columbia Conduit Co., .....	For year 1877
Hamilton Hall & Cottage Co., .....	For year 1873
Keystone Manfg. Co., .....	For year 1875
Middlesex Manfg. Co., .....	For year 1876
Morrisville Manfg. Co., .....	For year 1878
North Penn Iron Co., .....	For year 1874
Riverside Coal & Iron Co., .....	For year 1875
Derrick & Felgemaker Piper Organ Co., .....	For year 1874
Perry Organ Co., .....	For year 1874
Erie Piano Forte Co., .....	For year 1874
Martinsburg Planing Mill Co., .....	For year 1875



Name of Corporation.	Last Report.
Chester Valley Wheel & Axle Co.,	For year 1874
Mutual Life & Accident Ins. Co.,	For year 1878
Angelus Clock Co.,	For year 1875
Lion Brewing Co.,	For year 1878
Scranton Silk Co.,	For year 1877
Phoenixville Gas Light & Fuel Co.,	For year 1878
Tayman Shoe Machine Co.,	For year 1874
Lancaster County Mining Co.,	For year 1875
West Reading Market House Co.,	For year 1876
Albright Coal Co.,	For year 1874
Williamsport Rubber Co.,	For year 1877
Clarion Coal Co.,	For year 1876
Superior Iron Co.,	For year 1878
Kutztown Iron Co.,	For year 1874
Masonic Hall Association, Reading,	For year 1876
National Company,	For year 1877
New Era Organ Co.,	For year 1879
Penn Fire Insurance Co.,	For year 1875
American Wood Protection Co.,	For year 1875
Oil City Pipe Co.,	For year 1877
Girard Brass & Ornamental Iron Co.,	For year 1875
Port Trevorton & Herndon Ferry Co.,	For year 1878
Choptank Improvement Co.,	For year 1878
Atlantic Pipe Co.,	For year 1876
American Carburetter Co.,	For year 1875
Beaumont Deer Park Asso.,	For year 1875
Franklin Brush Co.,	For year 1879
Germantown and Glenwood Land Co.,	For year 1879
Jordan Mining & Mfg. Co.,	For year 1879
Hill Multiple Fire Plug Mfg. Co.,	For year 1876
Lancaster Bolt Co.,	For year 1878
Loisean Pressed Fuel Co.,	For year 1875
Lykens Printing Asso.,	For year 1876
Masonic Hall Assoc., Ardmore,	For year 1877
Philada. Disintegrating Mill & Mfg. Co.,	For year 1876
Pecono Mountain House Co.,	For year 1876
Pottstown Agricul. Machine Mfg. Co.,	For year 1876
Schuylkill Valley Agricul. Society, Pottstown,	For year 1878
Philada. Burial Case Co.,	For year 1875
Mercer Planing Mill Co.,	For year 1879
Warren Wooden Ware Works Co.,	For year 1875
Sugar Valley Lumbering, Mining & Mfg. Co.,	For year 1877

## Name of Corporation.

## Last Report.

Wyoming Shovel & Edge Tool Mfg. Co., .....	For year 1876
Seranton Frear Stone & Mfg. Co., .....	For year 1875
Sellers Manfg. Co., .....	For year 1877
Philada. Soda Fountain Co., .....	For year 1876
American Underwriters Assn., .....	For year 1875
Shackamaxon Land Co., .....	For year 1877
East Penn Iron Co., .....	For year 1876
Harrisburg Tribune & Publishing Co., .....	For year 1877
Dyott Manfg. Co., .....	For year 1876
Towanda Iron Mfg. Co., .....	For year 1876
International Publishing Co., .....	For year 1876
Standard Publishing Co., .....	For year 1879
Chester Real Estate Assn., .....	For year 1875
Aquameter Steam Pump Co., .....	For year 1877
Empire Passenger Ry. Co., .....	For year 1878
Laura Fenton Ferry Boat Co., .....	For year 1876
Prince Metallic Paint Co., .....	For year 1875
Pittsburgh Iron Co., .....	For year 1877
Keystone Flint Glass Mfg. Co., .....	For year 1876
Thomas C. Ball Co., .....	For year 1877
International Exhibition Co., .....	For year 1876
American Water Gas Co., .....	For year 1877
West End Passenger Ry. Co., .....	For year 1876
Minnequa Springs Improvt. Co., .....	For year 1876
Dickinson Marl Co., .....	For year 1878
Williamsport Manfg. Co., .....	For year 1879
Mahoning Coal Co., .....	For year 1879
Eastern Telegraph Co., .....	For year 1878
Chester & Philada. Steamboat Co., .....	For year 1878
Joyland Temperance Hotel Co., .....	For year 1875
Bloesburg Petroleum Co., .....	For year 1877
Canton Water Co., .....	For year 1878
Delaware Transportation Co., .....	For year 1879
Delaware River Steamboat & Transportation Co., .....	For year 1876
Record Printing Co., .....	For year 1877
Los Animas Silver Co., .....	For year 1878
Montgomery Machine Manfg. Co., .....	For year 1876
Macungie and East Texas Telegraph Co., .....	For year 1878
Pittsburgh Chain & Car Link Mfg. Co., .....	For year 1879
Pittsburgh Wagon Work Co., .....	For year 1877
Keystone Hardware Manfg. Co., .....	For year 1876
Sayre Manfg. Co., .....	For year 1878
Steel & Worth Co., .....	For year 1878

Name of Corporation.	Last Report.
Domestic Refrigerator & Pipe Covering Co., . . .	For year 1878
Susquehanna Ferry Co., . . . . .	For year 1878
Philada. Refining Co., . . . . .	For year 1878
Middle Lehigh Coal Co., . . . . .	For year 1878
Workingmen's Co-Operative Asso., Turtle Creek, .	For year 1879
Keystone Co-Operative Mfg. Co., . . . . .	For year 1878
West Manayunk Gas Light Co., . . . . .	For year 1879
Philada. Marble Co., . . . . .	For year 1877
Automatic Type & Machine Co., . . . . .	For year 1879
Brownsville Rail Road Co., . . . . .	For year 1879
Bay and Ocean Steamboat Co., . . . . .	For year 1879
People's Market Co., Germantown, . . . . .	For year 1879
Stoney Creek Woolen Mfg. Co., . . . . .	For year 1879
National Counterfeit Detector Co., . . . . .	For year 1879
North Peach Bottom Slate Co., . . . . .	For year 1879
Frankford Enterprise Land Asso., . . . . .	For year 1878
Harrisburg, Carlisle & Chambersburg Tpk. Co., .	For year 1879
Hoosack Hall Asso., . . . . .	For year 1879
Oil Valley Petroleum Co., . . . . .	For year 1879

Department of the Auditor General,  
Commonwealth of Pennsylvania, .  
Harrisburg, March 30, 1883.

I do hereby certify, That the Ledgers of this Department show the foregoing to be a correct list of all corporations that have made no reports of capital stock to this Department for three successive years since the year ending with the first Monday of November, A. D. 1879. Witness my Hand and the Seal of the Auditor General's Department the day and year first above written.

THOMAS McCAMANT,  
For JOHN A. LEMON,  
Auditor General.

To the Senate Nominating Hiram H. Fisher Quartermaster General.

Executive Department,  
Harrisburg, April 12, 1883.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Hiram H. Fisher, of the county of Lehigh, to be Quartermaster General of the Commonwealth of Pennsylvania.

ROBT. E. PATTISON.

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To the Senate Vetoing "An Act Granting an Annuity To Elmira P. Mullen, Mother of S. J. F. Mullen, Deceased, Late a Private in Company E, First Regiment, National Guard of Pennsylvania."

Executive Department,  
Harrisburg, May 1, 1883.

Gentlemen:—•

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 7, entitled "An act granting an annuity to Elmira P. Mullen, mother of S. J. F. Mullen, deceased, late a private in company E, First regiment, National Guard of Pennsylvania."

There is no authority of law for granting an annuity to the beneficiary of this bill. She is the mother of S. J. F. Mullen, a private in the National Guard, who, while in the service of the State in 1877, received injuries to his right leg which required its amputation. For these injuries he was granted a pension by the Legislature in 1879, which he received until his death in 1882. There is no allegation in the bill that his death was at all occasioned by the injuries he received

while in the service of the State. The preamble to the bill says he died, "leaving a widowed mother about sixty years of age." Though not recited in the act, it is to be supposed she is indigent. To her this bill proposes to give an annuity. It is an unpleasant duty to be obliged to interpose objection to the granting of the bounty of the State to the suffering and needy. In the interpretation and administration of the law, however, there is no place for considerations of sympathy and charity. Especially must the enforcement of the fundamental law be inexorable. More is lost to the cause of good government than is gained to the cause of charity by admitting evasions of the Constitution for expedients or from sympathy. The only security is in preserving its safeguards, enforcing its provisions, and observing its restrictions with scrupulous fidelity.

The eighteenth section of article three of the Constitution prohibits the appropriation of any money of the State for charitable or benevolent purposes to any persons except in requital for military services. This is a general restriction upon all appropriations to individuals for charitable reasons, except in the instance named. The nineteenth section of the same article enlarges the exception to the general prohibition, by providing that appropriations may be made to institutions where the widows or orphans of soldiers are maintained and educated. These sections, it seems to me, clearly prohibit the granting of the annuity proposed in the bill herewith returned. Elmira P. Mullen did no "military service," so as to entitle her to a pension under section eighteen, and she clearly falls within its inhibition. She is not even the widow of a soldier who did military service, and, if she was, it is doubtful if the Legislature could make her the recipient of the bounty of the State, except as the inmate of an institution for the support or assistance of the widows of soldiers to which appropriation was made,

under the authority of section nineteen. She is the mother of a soldier of the National Guard of the State. But, if this fact and her poverty are sufficient to entitle her to a pension, why may not other poor kindred of a deceased soldier be also pensioned --no matter how remote the degree of propinquity? It will thus be seen that there is no force in the restrictive words of the eighteenth section if a bill like the one now before me may be passed. It is a commendable trait of our humanity that makes the appeals of poverty, misery, and suffering difficult to resist. But the people, in their Constitution, for wise purposes and of right, saw fit to restrict the charitable propensities of their representatives. Except in the few cases specifically permitted to be made the subject of State aid, they intended that the calls of pity should be responded to by the charitable impulses of benevolent individuals, or met in the various ways provided by the counties and townships for the relief of the poor. There is no apology needed for governing our sympathies by the restrictions imposed by the law.

For similar reasons my distinguished predecessor, Governor Hoyt, on the 30th of June, 1881, filed in the State department, with his objections, a bill granting a pension to the poor and dependent father of a soldier of the National Guard who died from injuries received in the military service of the State. The only difference between the bill objected to by Governor Hoyt and the one herewith returned is, that in the former, the pension was granted to a father, and in this to the mother of a soldier of the National Guard. The same objections are applicable to both bills, and I sincerely commend to the attention of the Legislature the objections filed by Governor Hoyt, on June 30, 1881. They will there find a most lucid and cogent statement of the law upon this subject, which it would be well to constantly keep in mind when called to pass upon such matters.

ROBT. E. PATTISON.

To the Assembly Vetoing "An Act Relative to Adoption of a City Code in Cities of Third Class."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, May 1, 1883.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 50, entitled "An act relative to adoption of a city code in cities of the third class."

Though not clearly or accurately expressed, this act appears to be intended to enable city councils of cities of the third class to adopt a code or system of ordinances as a whole in the form of a printed book, without other publication, and also repeals all laws requiring the advertising or recording of ordinances, or the printing of the same for the use of the members of council.

A second section provides that the act shall not go into effect until accepted by the councils of the city.

An act passed by the Legislature of 1881, in all respects similar to this, except in the provisions of the second section, was vetoed by my distinguished predecessor, Governor Hoyt, after the adjournment of the Legislature. His objections, filed with the Secretary of the Commonwealth, meet my fullest approval, and I acknowledge their valuable aid in enabling me to pass upon the bill which is herewith returned without my signature.

It is difficult to imagine what commendable purpose could inspire such legislation. What object is sought to be obtained by abolishing the only sort of publication that would give real notice to the citizen of the laws under which he is to live, I cannot conjecture. This bill abolishes the advertising of ordinances,



repeals the act requiring their printing for the use of the councilmen who pass upon them, and even abrogates the law which provides for their recording among the public records, where the citizen could have a chance of reading them.

In the place of these usual, proper, and effective methods of giving notice, this bill would substitute another plan most inadequate and unusual. The councils are authorized to adopt a set of ordinances, when and as the same are printed, in the form of a book. That is all. No provision is made for the distributing of such book, or the giving of any publicity whatever to the ordinances so adopted. Indeed, every other mode of giving notice is struck down by this bill for the purpose, it would seem, of making the printed book the only record of the law. It may be worth mention, in passing, that if a publishing firm printed the original book as adopted by the councils, it might have a monopoly of the sale of such book thereafter. Except by purchase, there is no method apparent in this bill by which any one could get a copy of the same ordinances adopted for the government of the city. This may not be the purpose of the bill, but such is clearly within its possible results. There is no method so effectual for giving public notice as advertising in newspapers of wide circulation. As I have before said in a communication to the Legislature, if publicity is really what is desired by official advertising, then the most natural and likely means of obtaining such publicity should be employed, and newspapers of the **widest circulation** adopted.

Moreover, why should the usual method of publication provided by this bill be applied to cities of the third class only? If the method is a good one for those cities it should be good for others. The system, if wise at all, is wise irrespective of locality. This bill is really special legislation for cities of a certain class,

and is made additionally special by its provision that it shall only apply to such of said cities whose councils adopt it. By this provision, therefore, a part only of even such cities might come under the operations of the law.

The bill is in every way objectionable, and I cannot give it my approval. The structures of my distinguished predecessor upon the similar bill passed at the last session of the Legislature are so forceful and convincing that I adopt them as a part of this message.

Governor Hoyt says: "The purpose of this act seems to be to enable city councils to adopt, as a whole, in form of a printed book, a system of ordinances for the government of cities of the third class, without publication or record. I doubt the propriety of such legislation. The well-established and uniform policy of the law has always been to require publication, by hand-bills and otherwise, of such rules and regulations as may have been, from time to time, adopted by city councils, for the information of persons who are expected to observe them. There is nothing to prevent the publication of ordinances in book form if desirable, and therefore the act is unnecessary as conferring power for that purpose. I see no good reason for departing from an established usage in cities of this particular class, and am apprehensive that inconvenience and trouble might arise from the adoption of a body of regulations without provision for their publication for the use of councilmen or citizens, or for their record among the archives of the city."

ROBT. E. PATTISON.

Proclamation Forfeiting the Charters of Certain Corporations Certified by the Auditor General of the Commonwealth as Delinquent.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. ROBERT E. PATTISON Governor of the Said Commonwealth.

PROCLAMATION DECLARING THE CHARTERS OF CERTAIN CORPORATIONS FORFEITED.



Whereas, on the sixth day of April Anno Domini One Thousand eight hundred and eighty three, a proclamation was issued by the Governor of the Commonwealth of Pennsylvania declaring that, at the expiration of thirty days from the date thereof unless meanwhile, good cause to the contrary were shown, he would declare and proclaim the charters of the Corporations and Companies named in the list thereto annexed forfeited and their chartered privileges at an end. And Whereas certain Corporations and Companies have not shown good cause to the contrary, but have failed for three successive years, since the year ending with the first Monday in November, 1879, to comply with the provisions of the second section of an act, entitled "An act to provide revenue by taxation," approved the seventh day of June A D 1879, and have failed so to do up to this date, notwithstanding the public notice given by said proclamation;

Now therefore I Robert E. Pattison Governor of the Commonwealth of Pennsylvania in accordance with the said act of Assembly, and with my purpose so to do, publicly proclaimed for the full period of thirty days from the day first above mentioned, do hereby declare and proclaim the Charters of the Cor-

porations and Companies named in the list hereto annexed, forfeited and their chartered privileges at an end.

Given under my hand and the great seal of the Commonwealth at Harrisburg this seventh day of May Anno Domini, One thousand eight hundred and eighty three, of the Commonwealth the one hundred and seventh.

ROBT. E. PATTISON.

By the Governor,

W. S. Stenger,

Secretary of the Commonwealth.

Name of Corporation.	Last report for year.
Atlantic Mutual Insurance Company, Philadelphia, ....	1857
Allegheny and Manchester Plank-Road Company, ....	1855
American Mutual Insurance Company, .....	1866
Allen Gas Company, .....	1876
Alps Insurance Company, .....	1872
Alcorn Oil Company, .....	1865
American Kaolin Company, .....	1875
Aetna Oil Company, .....	1864
Alliance Petroleum and Coal Company, .....	1865
Anderson Petroleum Company, .....	1865
Ashland Petroleum Company, .....	1865
Allegheny River and Shull's Run Oil Company, .....	1865
Ashton Oil and Mining Company, .....	1865
Augus Farm Oil Company, .....	1865
Ashburton Coal Company, .....	1866
Amit Coal Company, .....	1865
Aetna Oil and Mining Company, .....	1865
American Gum Paint Company, .....	1866
Alaska Iron Company, .....	1869
American Steel Company, .....	1870
American Mining Company of the United States and Territories, and of Mexico, .....	1870
American Car Coupling Company, .....	1872
Allen Wright Oil Company, .....	1873
Alaska Coal Company, .....	1875
Atlantic Barrel Manufacturing Company, .....	1877

<i>Name of Corporation.</i>	<i>Last report for year.</i>
Anchor Coal and Iron Company, .....	1873
American Carburetter Company, .....	1874
Angelus Clock Company, .....	1875
Albright Oil Company, .....	1874
American Wood Protection Company, .....	1875
Atlantic Pipe Company, .....	1876
American Underwriters' Association, .....	1875
Aquameter Steam Pump Company, .....	1877
American Water Gas Company, .....	1877
Automatic Type and Machine Company, .....	1879
Butler Mining and Manufacturing Company, .....	1878
Beekville Iron Company, .....	1878
Big Mountain Improvement Company, .....	1876
Baltimore Coal Company, .....	1867
Bald Eagle Plank-Road Company, .....	1854
Bristol Forge and Iron Company, .....	1866
Bull Creek Oil Company, .....	1865
Briggs Oil Company, .....	1865
Beacon Oil Company, .....	1864
Broad Mountain Mammoth Vein Coal Company, .....	1864
Buchanan Royalty Oil Company, .....	1878
Baltimore Petroleum Company, .....	1865
Big Sandy Oil Company, .....	1865
Big Sandy Oil and Mining Company, .....	1865
Burning Spring Oil Company, .....	1865
Branden Island Oil Company, .....	1865
Beckman Oil Company, .....	1866
Broken Rock Petroleum Company, .....	1865
Beary Farm Oil Company, .....	1874
Black Diamond Coal and Iron Company, .....	1873
Berry Farm Oil Company, .....	1865
Border Oil Company, .....	1867
Bissell Oil and Manufacturing Company, .....	1865
Blood Farm Petroleum Company, .....	1872
Big Whitely Creek Oil Company, .....	1865
Buchanan Oil Petroleum Company, .....	1866
Boston Petroleum Company of the City of New York, ..	1869
Baltimore and Venango Oil Company, .....	1865
Bell Farm Petroleum and Coal Company, .....	1865
Benezet Oil and Coal Company, .....	1865
Benneshoff Reserve Oil Company, .....	1865
Benneshoff Run Petroleum Company, .....	1867

Name of Corporation.	Last report for year.
Banner Petroleum Company, .....	1866
Belfast Slate Company, .....	1871
Bliven Petroleum Company, .....	1876
Brooklyn Slate Company, .....	1870
Brown Silver Mining Company, .....	1870
Brickwood Lumber Company, .....	1870
Bedford County Mutual Oil Company, .....	1877
Bridgewater Paper Company, .....	1871
Brevoort Petroleum Company, .....	1873
Bayliss & Darby Manufacturing Company, .....	1872
Branson Manufacturing Company, .....	1877
Beaumont Deer Park Association, .....	1875
Blossburg Petroleum Company, .....	1877
Brownsville Railroad Company, .....	1879
Bay and Ocean Steamboat Company, .....	1879
Commonwealth Insurance Company, Harrisburg, ....	1866
Central Insurance Company, Harrisburg, .....	1866
Commonwealth Insurance Company of Pennsylvania, ..	1862
Columbia Mutual Insurance Company, .....	1858
Carbon Run Improvement Company, .....	1859
Consolidated Insurance Company of Philadelphia, ..	1852
Centennial Catalogue Company, .....	1877
Conewango Bridge Company, .....	1877
Carbon Iron Company, .....	1876
Columbia Coal and Iron Company, .....	1858
Chemung Bridge Company, .....	1874
Carbondale Co-Operative Company, .....	1878
Cedar Hollow Lime Company, .....	1863
Cow Creek and Stilwell Run Oil Company, .....	1864
Caledonia Oil Company, .....	1864
Connellsville Basin Oil Company, .....	1866
Crescent City Oil Company, .....	1866
Charter Oak Petroleum Company of Pennsylvania, ....	1872
Central Basin Oil Company, .....	1865
Cameron Petroleum Company, .....	1873
Clawson Oil Company, .....	1865
Cascade Petroleum Company, .....	1865
Cherry Run Petroleum Company of New York, .....	1865
Copeland Farm Oil Company, .....	1864
Clifton Petroleum Company, .....	1865
Cotter Farm Oil Company, .....	1865
Cherry Tree Run and Oil Creek Oil Company, .....	1865



Name of Corporation.	Last report for year.
Cherry Run Central Oil Company, .....	1865
Consolidated Oil Company, .....	1865
Commonwealth Oil Company, .....	1865
Central Petroleum Company, .....	1878
Ceres Oil Company, .....	1865
Clarion Coal and Oil Company, .....	1865
Columbia Oil Company, .....	1875
Cherry Run and Pitsburg Petroleum Company, .....	1865
Crawford Coal Company, .....	1875
Consolidated Petroleum Oil Company of New York, .....	1865
Cherry and Trout Run Oil and Mining Company, .....	1865
Chestnut Glen Oil Company, .....	1865
Crescent Oil Company, .....	1865
Central Lehigh Stone Company, .....	1865
Cork Car Spring Company, .....	1865
Coal Bluff Mining Company, .....	1872
Citizens' Oil Refining Company, .....	1875
Centre Hall Manufacturing Company, .....	1865
Chicago and Pitsburg Mining and Transportation Company, .....	1875
Cerry Manufacturing and Lumber Company, .....	1874
Columbia Mining Company, .....	1874
Citizens' White Lead Company, .....	1872
Crescent Spring Company, .....	1877
Coke Gas Company, .....	1871
Columbus Steel and Iron Company, .....	1874
Central Improvement Company, .....	1875
Croft Farm Oil Company, .....	1876
Columbia Condensate Company, .....	1877
Chester Valley Wheel and Axle Company, .....	1874
Clarion Coal Company, .....	1875
Chopstick Improvement Company, .....	1878
Chester Real Estate Association, .....	1875
Chester and Philadelphia Steamboat Company, .....	1878
Cannon Water Company, .....	1878
Commercial Printing Company, .....	1878
Carby Turnpike and Plank-Road Company, .....	1876
Devonport Insurance Company of Bucks County, ....	1865
Dundee Coal Company, .....	1865
Dunsmuir Oil Company, .....	1878
Deer Run Oil Company, .....	1864
Dauphin and Colorado Gold Mining Company, .....	1864



Name of Corporation.	Last report for year.
Dark Hollow Oil and Manufacturing Company, . . . . .	1867
Daguerahonda Improvement Company, . . . . .	1867
Dustin Farm and Cherry Run Oil Company, . . . . .	1868
Duquesne Oil Company, . . . . .	1878
Devon Oil Company, . . . . .	1865
Derby Iron Mining Company, . . . . .	1866
Dunkard Oil Company, . . . . .	1865
Dawson Run Petroleum Company, . . . . .	1865
Derby Coal Company, . . . . .	1873
Diamond Ink Company, . . . . .	1873
Derriek & Felgemaker Pipe Organ Company, . . . . .	1874
Dyott Manufacturing Company, . . . . .	1876
Dickinson Marl Company, . . . . .	1878
Delaware Transportation Company, . . . . .	1879
Delaware River Steamboat and Transportation Com- pany, . . . . .	1879
Domestic Refrigerator and Pipe Covering Company, ...	1878
England Insurance and Deposit Company, . . . . .	1875
Eureka Insurance Company, . . . . .	1873
Equitable Mutual Insurance Company, . . . . .	1865
Eastern Insurance Company, . . . . .	1858
Enterprise Insurance Company, . . . . .	1872
Eureka Oil Company, . . . . .	1864
Flagleton Coal and Iron Company, . . . . .	1863
Highert Oil Company, . . . . .	1878
Eagle Rock Oil Company, . . . . .	1864
Idlorado Oil Company, . . . . .	1865
Empire and Oil City Petroleum Company, . . . . .	1864
Excelsior Coal Company, . . . . .	1866
Eagle Gold Mining Company, . . . . .	1865
East Mahanoy Coal Company, . . . . .	1866
Eureka Oil Company, . . . . .	1865
Eagle Hill Mutual Coal Company, . . . . .	1865
Everett Oil Company, . . . . .	1865
Elk County Improvement and Mining Company, . . . . .	1865
East Mt. Laffie Coal Company, . . . . .	1866
Enterprise State Company, . . . . .	1870
Enterprise Coal Company, . . . . .	1878
Enterprise Insurance Company, . . . . .	1878
Elmira State Company, . . . . .	1874
Excelsior Oil Manufacturing Company of Pennsylvania,	1871
Etnaus Iron Company, . . . . .	1874

Name of Corporation.	Last report for year.
Eclipse Lubricating Oil Company of Franklin, . . . . .	1874
Erie Lumber Company, . . . . .	1873
Erie Pianoforte Company, . . . . .	1874
East Penn Iron Company, . . . . .	1876
Farmers' and Mechanics' Insurance Company, Philadel- phla, . . . . .	1855
Falls Bridge Company, . . . . .	1858
Fulton Hall Association, Lancaster, . . . . .	1865
Franklin Hall Association, Chambersburg, . . . . .	1860
Fire Insurance Company of Northampton County, . . . .	1878
Franklin Market Company, . . . . .	1863
French Creek Lubricating Company, . . . . .	1865
Fayette Oil Company, . . . . .	1864
Feeder Dam Oil Company, . . . . .	1874
Fountain Oil Company, . . . . .	1865
Frost Petroleum Company, . . . . .	1867
Federal Petroleum Company, . . . . .	1866
Fountain Oil Company, . . . . .	1865
Foster Island Petroleum Company, . . . . .	1865
Farel Oil Company, . . . . .	1867
First National Petroleum Company of New York and Pennsylvania, . . . . .	1865
Franklin and Oil Creek Turnpike Road Company, . . . .	1865
Fishing Creek Oil and Mining Company of West Vir- ginia, . . . . .	1865
Federal Oil Company, . . . . .	1865
Feliciano Oil Company, . . . . .	1865
Franklin Lubricating Oil Company, . . . . .	1865
Farmers' and Merchants' Insurance Company York . . .	1867
Foster Coal and Iron Company, . . . . .	1869
Fairchance Iron Company, . . . . .	1879
Franklin Brush Company, . . . . .	1879
Frankford Enterprise Land Association, . . . . .	1878
Freedom Iron and Iron Steel Company, . . . . .	1868
Farmers' Western Market Company, . . . . .	1870
Globe Life Insurance and Annuity Company, . . . . .	1857
Girard Mammoth Coal Company, . . . . .	1870
Germantown Gas Company, . . . . .	1859
Greenwich Oil Refining and Storage Company, . . . . .	1877
Great Western Insurance and Trust Company, . . . . .	1858
Germania Sick Relief Association of Allegheny . . . . .	1874
Gunpowder Pile Driving Company of the United States . .	1874

Name of Corporation.	Last report for year.
Gettysburg Railroad Company, .....	1863
Germantown Market Company, .....	1861
Grassy Island Coal and Railroad Company, .....	1875
Green Hill Oil Company, .....	1864
Globe Oil Company, .....	1864
Great Basin Oil Company, .....	1864
Gillfillan Oil Company, .....	1866
Girard Petroleum Company, .....	1864
German Oil Company, .....	1867
Great Eastern Rock Oil Company, .....	1863
Goodwin Sugar Creek Oil Company, .....	1865
Glen Carbon Coal Company, .....	1866
Great American Oil Company, .....	1870
Great Western Consolidated Oil Company of Pennsylv- ania, .....	1865
Guild Farm Petroleum Company, .....	1865
Gibson Oil Company, .....	1865
Glen Hope Oil and Mining Company, .....	1866
Gap Mining Company, .....	1865
Glasgow Oil Company, .....	1867
Guarantee Fire and Marine Insurance Company, .....	1870
Great Basin Mining Company, .....	1873
Girard Tube Works and Iron Company, .....	1874
Girard Brass and Ornamental Iron Company, .....	1875
Germantown and Glenwood Land Company, .....	1879
Hope Mutual Insurance Company, Philadelphia, .....	1859
Harrisburg Cotton Company, .....	1864
Howard Fire and Marine Insurance Company, .....	1858
Hematite Iron Company, .....	1877
Hartford Coal Company, .....	1859
Hyde Park Coal Company, .....	1860
Hyde Farm Oil Company, .....	1875
Hoge Island Lubricating Oil Company, .....	1865
Hoover Oil Company, .....	1864
Hancock Oil Company, .....	1864
Howe's Eddy Oil Company, .....	1865
Hercules Rock Oil Company, .....	1866
Hemlock Petroleum Oil Company, .....	1865
Highland Enterprise Petroleum Company, .....	1865
Hazleton Petroleum Company, .....	1866
Hopewell Oil Company, .....	1865
Hosmer Run Oil Company, .....	1864

Name of Corporation.	Last report for year.
Hoover & Marshall Oil Company, .....	1877
Hahn's Ferry Oil Company, .....	1867
Hayes Farm Oil Company, .....	1868
Hudson Oil Company, .....	1865
Home Insurance Company of Pennsylvania, .....	1866
Heydrick Oil Company, .....	1865
Hickory Island Petroleum Company, .....	1865
Home Petroleum Company, .....	1878
Heydrick Brothers Oil Company, .....	1865
Howell Farm Oil Company, .....	1869
Harrisburg Fertilizer Company, .....	1879
Homestead Bank and Life Insurance Company, .....	1878
Hutchinson Oil and Refining Company, .....	1873
Hamilton Hall and Cottage Company, .....	1873
Hill Multiple Fire-Plug Manufacturing Company, ....	1875
Harrisburg Tribune & Publishing Company, .....	1877
Hoosack Hall Association, .....	1879
Hickory Coal Company, .....	1866
Hasson Farm Bridge Company, .....	1879
Iron City Fire Insurance Company, .....	1878
Importers' and Traders' Insurance Company, Philada.,	1855
Indian Creek Oil Company, .....	1866
Imperial Kanawha Valley Oil Company, .....	1866
Indian Spring Oil Company, .....	1865
Irving Oil & Mining Company, .....	1865
Indian Oil Creek Petroleum Company, .....	1865
Isometrical Truss Bridge Company, .....	1871
International Publishing Company, .....	1876
International Exhibition Company, .....	1878
Junction Oil Company, .....	1864
Jennings Oil Company, .....	1865
Jordan Mining and Manufacturing Company, .....	1879
Joyland Temperance Hotel Company, .....	1875
Karhaus Coal & Lumber Company, formerly Bingham Mining and Lumber Company, .....	1867
Keystone Oil Company, .....	1865
Kingsland Oil Company, .....	1869
Keystone Iron Company, .....	1867
Kinzua Coal Company, .....	1869
Kinkaid Oil Company, .....	1865
Klickerbocker Petroleum Company, .....	1865
Kember Petroleum Company, .....	1865

Name of Corporation.	Last report for year.
Knickerbocker Anthracite Coal Company, .....	1874
Keystone Sewing Machine Company, .....	1874
Keystone Fire Insurance Company, Reading, .....	1877
Keystone Manufacturing Company, .....	1875
Kutztown Iron Company, .....	1874
Keystone Flint Glass Manufacturing Company, .....	1876
Keystone Co-operative Manufacturing Company, .....	1878
Kensington Insurance Company, .....	1868
Kussart Farm Oil Company, .....	1865
Leas Haven Bee and Hive Manufacturing Company, .	1874
Lehigh Valley Iron Company, .....	1878
Loretto Turnpike Company, .....	1879
Lehigh Slate Company, .....	1878
Lancaster Locomotive Works, .....	1858
Lycorning Iron and Coal Company, .....	1861
Laporte Tannery Company, .....	1862
Lamberton Oil and Manufacturing Company, .....	1865
Longwood Coal and Iron Company, .....	1864
Lewisburg Building Association, .....	1866
Lawrence Salt and Coal Company, .....	1865
Logan Oil Company, .....	1864
Lamb Farms Petroleum Company, .....	1865
Letonia and Sage Run Petroleum Company, .....	1865
Lynn Camp Creek Oil Company, .....	1865
Lehigh Rolling Mill Company, .....	1865
Loomis Oil Company, .....	1865
Laurel Lick Oil Company, .....	1865
Lackawanna Petroleum Company, .....	1870
Lochiel Iron Company, .....	1870
Lebanon Oil and Mining Company, .....	1865
Lick Run and Sugar Creek Oil Company, .....	1865
Lehigh River Slate Company, .....	1870
Lackawanna Paper and Manufacturing Company, ....	1866
Laytona Coal Company, .....	1866
Lebanon Paper Company, .....	1876
Lisbon Oil Company, .....	1879
Luzerne Powder Company, .....	1870
Lebanon Transportation Company, .....	1878
Lehigh Mountain Iron Company, .....	1873
Lyons Manufacturing and Lumber Company, .....	1877
Lion Brewing Company, .....	1878
Lancaster County Mining Company, .....	1875

Name of Corporation.	Last report for year.
Loiseau Pressed Fuel Company, .....	1875
Lykens Printing Association, .....	1876
Laura Filson Ferry Boat Company, .....	1876
Los Animas Silver Company, .....	1878
Merchants' & Mechanics' Insurance Co., Phila., .....	1858
Milford and Owego Turnpike Company, .....	1850
Middlesex Coal Company, .....	1864
Manufacturers' Insurance Company of Penna., .....	1869
Mercer and Shenango Plank-Road Company, .....	1854
Millport Slate Company, .....	1873
Middle Walnut Oil Company, .....	1865
Maple Shade Oil Company, .....	1872
Mineral Oil Company, .....	1870
Maguire Petroleum Company, .....	1865
McElrath Oil Company, .....	1864
Montgomery Oil Company, .....	1872
McCormick and McKissick Lubricating Company, ...	1864
Mammoth Vein Consolidated Coal Company, .....	1866
McMahon Oil Company, .....	1866
Mercantile Association of Reading, .....	1866
Montour Oil Company, .....	1865
Morgan Oil Company, .....	1865
Macksburg Petroleum Company, .....	1866
McKinley No. 2 Oil Company, .....	1865
McKean County Bituminous Coal Company, .....	1866
McAvoy Cherry Run Oil Company, .....	1865
Maple Farm Oil Company, .....	1865
Mingo Oil Company, .....	1867
Miller Farm Oil Company, .....	1865
Mercantile Oil Company of New York, .....	1865
Mammoth Oil and Coal Company, .....	1865
Maple Amber Oil Company, .....	1865
Maple Grove Petroleum Company, .....	1866
Middletown Tube and Iron Company, .....	1879
McCrea Petroleum Company, .....	1865
McClintock Farm and Cherry Run Petroleum Company,	1865
McRea and Cherry Run Oil Company, .....	1865
Mt. Carbon Rolling-Mill Company, .....	1865
Maple Grove Oil Company of Baltimore, .....	1865
Mount Vernon Oil Company, .....	1865
Mountain Well Oil Company, .....	1865
Mount Pleasant Coal Company, .....	1877



Name of Corporation.	Last report for year.
Mauch Chunk Slate Company, .....	1871
McNeal Coal and Iron Company, .....	1871
Morris Farm Oil Company, .....	1867
Maple Grove Coal Company, .....	1870
Marine Oil Company, .....	1878
Mercer Woolen Manufacturing Company, .....	1873
Massachusetts Coal Company, .....	1869
Modern Life Insurance and Improvement Trust Com- pany, .....	1877
Mechanics' and Manufacturers' Mutual Printing Com- pany, .....	1872
Middlesex Rolling Mill Company, .....	1874
Metallic Suspension Wheel Company, .....	1876
Minersville Coal and Lumber Company, .....	1875
Middlesex Manufacturing Company, .....	1876
Morrisville Manufacturing Company, .....	1878
Martinsburg Planing-Mill Company, .....	1875
Mutual Life and Accident Insurance Company, .....	1878
Masonic Hall Association, Reading, .....	1876
Mercer Planing Mill Company, .....	1879
Mahoning Coal Company, .....	1879
Maulgile and East Texas Telegraph Company, .....	1878
Middle Lehigh Coal Company, .....	1878
Multiple Non-Freezing Fire Plug Stop & Branch Com- pany, .....	1878
Masonic Hall Asso., Jenkintown, .....	1870
McKinley Oil Company, .....	1865
North Atlantic Express Company, .....	1874
North Latanon and Mount Hope Plank and Turnpike Road Company, .....	1857
Neptune Insurance Company, .....	1858
New York and Pennsylvania Coal Company, .....	1858
North Western Coal and Iron Company, .....	1875
National Anthracite Coal Company, .....	1858
North Branch Coal Company, .....	1858
Norris Manufacturing Company, .....	1859
New Castle and New Wilmington Plank-Road Com- pany, .....	1864
Noble and Delamater Petroleum Company, .....	1869
New York and Schuylkill Coal Company, .....	1868
Northwestern Oil Company of Venango Co., .....	1865
New York & Boston Silver Lead Company, .....	1866



Name of Corporation.	Last report for year.
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New Empire Iron and Petroleum Company, .....	1870
New Era Oil, Lumber and Mining Company, .....	1872
North Light Petroleum Company of Penna., .....	1872
Northumberland Coal Company, .....	1865
National Oil Company of New York, .....	1879
North Carbondale Coal Company, .....	1867
North American Petroleum Company, .....	1869
New Jersey Petroleum Company, .....	1865
New England Petroleum Company, .....	1865
Nonpareil Oil Company, .....	1865
New York and Chicago Petroleum Company, .....	1866
Noble Farm Petroleum Company, .....	1865
Noble and Delamater Rock Oil Company of New York, .....	1866
New York Maple Shade Oil Company, .....	1865
New Boston Coal Mining Company, .....	1867
New Castle Mutual Coal Company, .....	1866
National Iron Company, .....	1870
Neshannock Railroad Coal and Ore Company, .....	1871
National Fire and Marine Insurance Company, .....	1873
New Castle Iron Company, .....	1875
National Land and Improvement Company, .....	1875
North Penn Iron Company, .....	1874
National Counterfelt Detective Company, .....	1879
North Peach Bottom Slate Company, .....	1879
Niagara Oil Company of Pennsylvania, .....	1872
National Slate Company, .....	1870
Organic Oil Company, .....	1867
Olmstead Oil Company, .....	1866
Oil City and Pittsburgh Oil Company, .....	1866
Ohio Basin Oil Company, .....	1866
Old Township Line Road Company, .....	1876
Oil Creek & East Sandy Oil Company, .....	1865
Oak Ball Oil Company of Pennsylvania, .....	1865
Oil Creek and Cherry Run Oil Company, .....	1865
Oil City Petroleum Company, .....	1865
Oak Land Coal Company, .....	1865
Original Petroleum Company, .....	1865
Olive Branch Oil Company, .....	1865
Oil Creek and Pithole Oil Company, .....	1879
Ogden Oil Company, .....	1865
Old Dominion Mining Company, .....	1868
Phila. and Havre-de-Grace Steam Tow-Boat Company, .....	1863

Name of Corporation.	Last report for year.
President, Managers and Company for erecting a bridge over Lehigh river at Northampton, now Allentown, ..	1863
Peters Mountain Turnpike Company, .....	1863
Philadelphia Steam Propellor Company, .....	1860
President & Managers of the Mahoning Mouth Bridge Company, .....	1876
President, Managers and Company of the Center and Kishacoquillas Turnpike-Road Company, .....	1877
Philadelphia Fire Extinguisher Company, .....	1874
President, Managers and Company of the Easton & Wilkes-Barre Turnpike Road, .....	1858
Pittston Coal Company (Incorporated, May 7, 1855, see P. L. 456), .....	1862
Pottsville Boot and Shoe Manufacturing Company, ....	1877
Pennsylvania & European Petroleum Company, .....	1877
Pictet Artificial Ice Company, .....	1879
Pittsburgh Keg and Barrel Company, .....	1878
President & Managers of the Kensington and Oxford Turnpike-Road Company, .....	1875
Pembrake Oil Company, .....	1878
President, Managers and Company of the Lawsonham Bridge Company, .....	1859
Pittsburgh and East Liberty Passenger Railway Com- pany, .....	1861
Penna. Iron Company, .....	1878
Pioneer Mining Company of Colorado, .....	1867
Pearl Oil Company, .....	1865
Perkiomen Oil Company, .....	1866
People's Equitable Oil Company, .....	1865
Pennsylvania and Sugar Creek Petroleum Company, ..	1867
Petroleum Consolidation, .....	1866
Petroleum Mining Company of Penna., .....	1867
Paxton Petroleum Company, .....	1866
Penna. Tubing Transfer Company, .....	1867
Pittsburgh Steam Brick Company, .....	1867
Pittsburgh Paper Manufacturing Company, .....	1873
Pittston and Elmira Coal Company, .....	1874
Pennsylvania Fire-Clay Company, .....	1870
Philadelphia Railroad Lamp Company, .....	1870
Pennsylvania Coal and Ice Company, .....	1878
Pittsburgh National Coal & Coke Company, .....	1879
Peabody Mutual Life Insurance and Trust Company, ..	1876

Name of Corporation.	Last report for year.
Philadelphia Spring Seat Company, .....	1873
People's Planing-Mill Company of Altoona, .....	1878
Pittsburgh and Western Company, .....	1873
Perry Organ Company, .....	1874
Penn Fire Insurance Company, .....	1875
Phila. Disintegrating Mill and Manufacturing Com- pany, .....	1876
Philadelphia Coal Company, .....	1878
Perry Oil Company, .....	1866
Philadelphia Oil and Manufacturing Company, .....	1864
Pope Farm Oil Company, .....	1865
Petroleum Center Company, .....	1866
Parker Petroleum Company, .....	1865
Phillips Oil Company, .....	1866
Philadelphia and Colorado Gold Mining Company, ....	1865
Penna. Central Coal and Oil Company, .....	1864
Prospect Oil Company, .....	1867
Plymouth Iron Company, .....	1873
Platt Oil Company, .....	1866
Powell Run and Slippery Rock Oil Company, .....	1866
Pennsylvania and Ohio Oil Company, .....	1867
Plymouth Coal Company, .....	1867
Philpot & Sherman Petroleum Company, .....	1865
Patapasco Lubricating Oil Company, .....	1865
Pittsburgh, New York & Tionesta Petroleum Company,	1865
Petrona Oil Company, .....	1865
President Petroleum Company, .....	1865
Porcupine Petroleum Company, .....	1865
Phillips' Petroleum Company, .....	1865
Philadelphia Lubricating Oil Company, .....	1865
Prather Farm Oil Company, .....	1865
Pocono Mountain House Company, .....	1876
Pottstown Agricultural Machine Manufacturing Com- pany, .....	1876
Philadelphia Burial Case Company, .....	1875
Philadelphia Soda Fountain Company, .....	1879
Pittsburgh Iron Company, .....	1877
Pittsburgh Chain & Car Link Manufacturing Company,	1879
Pittsburgh Wagon Work Company, .....	1877
Phila. Refining Company, .....	1878
Phila. Marble Company, .....	1877
People's Market Company, Germantown, .....	1879

Name of Corporation.	Last report for year.
Pithole Oil Company, .....	1878
Pithole Kanawha Oil Company, .....	1867
Phila. Telegraph Company, .....	1873
Quicksilver Mining Company, .....	1865
Quaker City Ins. Co., .....	1857
Richmond Gas Company, .....	1858
Reading Water Company, .....	1864
Reading Manufacturing Company, .....	1859
Real Estate Savings Institution of Pittsburgh, .....	1866
Riddlesburg Improvement Company, .....	1863
Roberts Oil and Mining Company, .....	1866
Red Mount Coal & Improvement Company, .....	1864
Reinhard Petroleum Company, .....	1866
Rathbone Petroleum Company, .....	1866
Revenue Oil Company, .....	1878
Ross Oil Company, .....	1864
River Oil Company, .....	1865
Rush Farm Oil Company, .....	1865
Riverside Petroleum Company, .....	1868
Ross Farm Petroleum Company, .....	1865
Redfield Petroleum Company, .....	1865
Rock Drill Manufacturing & Mining Company, .....	1865
Rochester Flowing Wells Company, .....	1866
Republic Insurance Company, .....	1866
Roberts' Run Coal Company, .....	1878
Riverside Coal & Iron Company, .....	1875
Record Printing Company, .....	1877
Rockwood Oil Company, .....	1867
Rickett's Farm Petroleum Company, .....	1865
Swede Iron Company, .....	1868
Sharon Iron Company, .....	1859
Southwark and Moyamensing Gas Company, .....	1858
Schuylkill and Dauphin Improvement and Railroad Company, .....	1870
Short Mountain Coal Company, .....	1870
Swatara Railroad Company, .....	1861
Seneca Coal Company, .....	1858
Sullivan Anthracite Coal Company, .....	1873
Sugar Notch Coal Company, .....	1863
Seneca Oil Company, .....	1871
Schuylkill and Oil Creek Oil Company, .....	1865
Swatara Falls Coal Company, .....	1865

Name of Corporation.	Last report for year.
Sugar Creek Oil Company, .....	1865
Saegar Farm Oil Company, .....	1864
Sutley Lubricating Oil Company, .....	1864
St. Clair's Coal Company, .....	1865
Slippery Rock Petroleum Company, .....	1870
Schaeffer Farm Oil Company, .....	1868
Stewart Farm Petroleum Company of N. Y., .....	1865
Superior Oil Company, .....	1865
Sage Run and Oil Creek Petroleum Company, .....	1865
Security Petroleum Company, .....	1865
Silver Run Oil Company, .....	1865
Spanish Gold and Silver Mining Company, .....	1865
Sunbury Oil Company, .....	1866
Silver Farm Petroleum Company, .....	1865
Siverly Run Oil Company, .....	1870
Shirk Farm Oil Company, .....	1865
Success Oil Company of New York, .....	1865
Storey and McClintock Petroleum Company, .....	1865
Salmon Creek Oil Company, .....	1865
Sayer's Farm Oil Company, .....	1865
Spring Hill Refining Company of Pennsylvania, .....	1865
Sage Run Oil Company, .....	1865
Sheffield and Tionesta Oil Company, .....	1866
Stowell Farm Oil Company, .....	1878
Sugar Creek and Beatty Run Oil Company, .....	1865
South Park Gold Mining and Exploring Company, ....	1865
Star Oil Company, .....	1865
Star Coal Company, .....	1866
Shawmut Coal Company of Elk County, .....	1869
Shamberg Petroleum Company, .....	1870
Smoke Consuming, Heat, and Gas-Light Company, ....	1871
Southern and Western Publishing and Printing Com- pany, .....	1874
Saturday Post Publishing Company, .....	1873
South Side Fire Insurance Company, .....	1874
Sheldon Spooler Company, .....	1873
Scranton City Cottage Company, .....	1876
Superior Iron Company, .....	1878
Schuylkill Valley Agricultural Society, Pottstown, ....	1878
Sugar Valley Lumbering, Mining and Manufacturing Company, .....	1877
Scranton Frear Stone and Manufacturing Company, ..	1875

Name of Corporation.	Last report for year.
Sellers Manufacturing Company, .....	1877
Shackamaxon Land Company, .....	1877
Sayre Manufacturing Company, .....	1878
Stoney Creek Woolen Manufacturing Company, .....	1879
Smoky City Oil Company, .....	1865
Scranton Silk Company, .....	1878
Trevorton Coal and Railroad Company, .....	1859
Tangascootack Coal Company, .....	1859
Trevorton Coal Company, .....	1864
Tallman Petroleum and Mining Company, .....	1865
Tionesta Oil, Lumber and Mining Company, .....	1865
Tionesta Natural Petroleum, Lumber and Mining Com- pany, .....	1865
Tarentum Oil, Salt and Coal Company, .....	1865
Titus Oil Company, .....	1870
Tamaqua Rolling-Mill Company, .....	1870
Thomas Coal Company, .....	1870
Thorn Creek Oil Company, .....	1878
Titusville Printing Association, .....	1872
Taylorsville Co-Operative Association, .....	1874
Tayman Shoe Machine Company, .....	1874
Towanda Iron Manufacturing Company, .....	1876
Tarr Farm Oil Company, .....	1866
Thomas C. Ball Company, .....	1877
Thomas Slate Company, .....	1870
Union Coal Company, .....	1867
Upper Economy Petroleum Company, .....	1864
Union Deposit Iron Company, .....	1866
Union Petroleum Company, .....	1867
United States Petroleum Company, .....	1868
Union Lubric Oil Company, .....	1866
United States Railroad and Mining Register, .....	1870
Union Petroleum Company, .....	1873
Union Brake-Shoe Company, .....	1872
Union Central Coal, Iron and R. R. Co., .....	1868
Van Buren Oil Company, .....	1867
Venango Oil and Manufacturing Company, .....	1864
Venango Central and Duck Pond Petroleum Company, .	1877
Vesuvius Manufacturing Company, .....	1879
Venango Petroleum Company, .....	1865
Washington Improvement Company, .....	1878
Washington Fire and Marine Insurance Company, ....	1860

Name of Corporation.	Last report for year.
Williams' Marble and Slate Manufacturing Company, .	1877
West Branch and Susquehanna Canal Company, .....	1872
Wyoming Insurance Company, .....	1872
Western Market Company, .....	1870
Washington Oil Company, .....	1867
Wyoming Coal and Transfer Company, .....	1879
Williamsport Fire Insurance Company, .....	1874
Walnut Island Oil Company, .....	1864
Western Transportation Company, .....	1867
Winona Oil Company, .....	1865
Woodford Oil Company, .....	1866
Western Pennsylvania Oil Company, .....	1873
Wirt Petroleum Company of West Virginia, .....	1873
Washington Eureka Oil Company, .....	1865
Ward Farm Petroleum Company, .....	1865
Wallover Oil Company, .....	1865
Western Union Petroleum Company, .....	1865
Wilkins Farm Oil Company, .....	1865
West Creek Manufacturing and Mining Company, ....	1871
Windsor Oil Company, .....	1865
Walnut Bend and Cherry Run Oil Company, .....	1865
Whitestown Coal Company, .....	1869
Williamsport Iron & Lumber Company, .....	1871
Wampum Mining and Manufacturing Company, .....	1879
Warrington Steel Pen Company, .....	1875
Wilkes-Barre Market Company, .....	1872
Williamsport Rubber Company, .....	1877
Warren Wooden Ware Works Company, .....	1875
Wyoming Shovel and Edge Tool Manufacturing Com- pany, .....	1878
Williamsport Manufacturing Company, .....	1879
Workingmen's Co-Operative Association, Turtle Creek,	1879
West Philadelphia Manfg. Company, .....	1858
Wiley Oil Company, .....	1865
Wolff Creek Diamond Coal Company, .....	1871
Western Oil Company, .....	1865
W. H. Hyde & Son Manfg. Co., .....	1875
West Reading Market House Co., .....	1876
Youghiogheny River Oil Company, .....	1865



Department of the Auditor General,  
Commonwealth of Pennsylvania,  
Harrisburg, May 8th, 1883.

I do hereby certify, That the Ledgers of this Department show the foregoing to be a correct list of the corporations that have made no reports of capital stock to this Department since the year ending with the first Monday of November, 1879.

Witness my Hand and Seal of the Auditor General's Department the day and year first above written.

THOMAS McCAMANT,  
For JNO. A. LEMON,  
Auditor General.

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To the Senate Nominating Robert D. Newell Associate Judge for Clarion County.

Executive Department,  
Harrisburg, May 11, 1883.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Robert D. Newell, of Monroe township, to be associate judge in and for the county of Clarion, vice Isaac Clover, deceased.

ROBT. E. PATTISON.

To the Assembly Vetoing "An Act Authorizing Married Women and Their Husbands Living Separate and Apart, under a Deed of Separation or Mutual Agreement, to Sell and Convey their Separate Real Estate, Free and Clear of Rights of Dower and Courtesy, and Other Interests."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, May 21, 1883.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 147, entitled "An act authorizing married women and their husbands, living separate and apart, under a deed of separation or mutual agreement, to sell and convey their separate real estate, free and clear of right of dower and courtesy and other interests."

Legislation and judicial interpretation have already gone a long way toward impairing the sacredness and weakening the strength of the marriage relation. If this bill should become a law, marriage in Pennsylvania would be little more than a temporary contract of the most serious rights and solemn duties, of which the parties might relieve themselves at their mutual pleasure.

The bill seems to proceed upon the theory that separations between husbands and wives are to be expedited rather than retarded, and when once taken place, are to be made perpetual. It would almost close the door to all hope of future reconciliation between the parties by removing every material consideration that might possibly invite a resumption of marriage relations. Under its provisions, a husband and wife unhappily influenced by momentary disagreement, and signing articles of separation, are instantly divested of all legal restraints, and may immediately dispose

of their respective estates as freely as though the marriage tie had never existed. They are abandoned by this bill to the full effects of their immediate prejudices, and passion is given full vent to work its most serious evils, and destroy all vestige of home or mutual property. The fruit of their union, the innocent children of wedlock, are exposed without shield or guardianship from the law to the worst consequences of the intemperate dispositions of their parents. The soothing influence of time and the returning reflections of cooler moments and soberer thoughts, are given no opportunity for their healing work. The destruction of home having begun this bill invites its complete desolation. This ought not to be, and it is to be hoped never will become the policy of our law. That policy should be to conserve and not facilitate the extinction of the marriage relation. The restraints upon alienation of the wife are not an impediment, but a protection alike to her and her offspring. Instead of advancing, it is doubtful if it would not be better if our laws retraced a step or two in the relaxing of these restraints. A married woman in Pennsylvania enjoys, to-day, every legal right conducive to her happiness and consistent with her dignity and security. The limitations with which the law still environs her, are beneficent and salutary rather than obstructive and burdensome. They protect her as well from the amiable weaknesses of her affection, as from those less commendable traits of our common humanity to the intemperate exercise of which this bill would expose her. The sacredness and security of its homes are the glory and strength of a State—"a fortress at once and a temple." It is to be devoutly hoped the law may never relinquish its brooding guardianship over them. For these reasons I return the bill without my approval.

ROBT. E. PATTISON.

To the Assembly Vetoing "An Act to Establish a More Certain Process by which the Proprietors or Managers of Hotels, Taverns, Inns, Boarding Houses, Restaurants, or Other Establishments in which Boarders are Received, May Collect Debts Due for Boarding by Process of Attachment."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, May 22, 1883.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 2, entitled "An act to establish a more certain process by which the proprietors or managers of hotels, boarding houses, restaurants, or other establishments in which boarders are received, may collect debts due for boarding by process of attachment."

This bill gives special and peculiar remedies not enjoyed by other citizens, for the collection of debts, to the proprietors or managers of hotels, taverns, inns, boarding-houses, restaurants, or other establishments in which boarders are received. It permits them, before obtaining judgment, upon the mere filing of a sworn statement of their claim, to attach the property of their debtors in the hands of any person or corporation. It makes the wages of labor, as well as all other property of the defendant, liable to attachment, and after judgment for the whole, or any part of said claim, to execution for the satisfaction thereof. It further denies to any such defendant the benefit of all laws of the Commonwealth exempting the property of debtors from levy, sale or attachment.

One of the main purposes of the Constitution of 1874, was to enforce uniformity in our laws, and prohibit legislation of limited and special application. No

other feature so much as this commended the fundamental law to popular approval, when before the people for adoption, or has since been productive of greater good. The intent and spirit, if not the letter, of the Constitution, are violated by the bill herewith returned. A particular part of the community, a class of persons engaged in a certain line of business, are given certain remedies for the collection of debts not enjoyed by the remainder of the people. Judicial tribunals are obliged to give to this special class legal processes that no other creditor can demand or receive. For their exclusive advantage, beneficent and humane statutes of general and uniform operation are suspended. And why? Upon what principle is it that our courts shall extend to one citizen remedies for the collection of his debt and the enforcement of his rights which they deny to another? What is there about the business of a hotel-keeper that he should be clothed with these special privileges? Is it because he supplies to his guests the necessities of life—food and shelter? So also do the butcher, baker, grocer, and tailor. Why, then, should not they be given the benefits of this bill, if it is wise to pass it at all? The risks incident to hotel-keeping, like the risks pertaining to all other forms of business, are known beforehand to all who embark in that enterprise. They are to be taken into account and provided against, just as other tradesmen protect themselves against the risks of their business by regulations suggested by skill and good management. This particular class of business men surely cannot expect the law to specially assist them alone in the collection of bad debts.

These considerations are suggested upon the general merits of the bill.

Upon the question of the bill being special legislation prohibited by the Constitution, I would call to your attention the clause of article three, section

seven, of that instrument, which provides that no local or special law shall be passed, "providing or changing methods for the collection of debts or the enforcing of judgments." Does not this bill do that very thing?

Even if otherwise unobjectionable, I cannot look with favor upon that portion of the bill which makes the wages of labor subject to attachment and execution, and denies the benefit of the exemption laws to this particular class of defendants. These are merciful and humane enactments, the outgrowth of our more advanced and enlightened civilization. They are intended, not merely to benefit the unfortunate debtor himself, but to protect his family, and those dependent upon him, from the direct effects of his improvidence or misfortune. They secure to him his wages that he may have some inspiration to labor, and not be given up to despair by the dread that the result of his toil must first go to the satisfaction of his creditor, before he and his family are supplied in their bodily wants. The law exempting property to the value of three hundred dollars from levy and sale in execution for debt (a smaller sum than that allowed in many States), was likewise mercifully intended to save a debtor and his dependents from being stripped to nakedness and absolute want. These are wise as well as merciful provisions. They save at least hope to the unfortunate. They were intended to be of general application, and it would require powerful reasons to justify their repeal or suspension. No such reasons appears in the bill herewith returned.

ROBT. E. PATTISON.

To the Assembly Vetoing "A Further Supplement to 'An Act Creating and Defining the Duties and Powers of a Recorder for Cities Whose Population Does not Exceed Thirty Thousand and is not Less Than Eight Thousand Five Hundred,' and the Supplements Thereto, and Authorizing the Election of Recorders in Cities of the Fifth Class."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, May 23, 1883.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 9, entitled "A further supplement to an act entitled 'An act creating and defining the duties and powers of a recorder for cities whose population does not exceed thirty thousand and is not less than eight thousand five hundred,' approved the twenty-fourth day of March, one thousand eight hundred and seventy-seven, and the supplements thereto, and authorizing the election of recorders in cities of the fifth class."

This bill creates additional offices, is objectionable in form, incongruous in its provisions, difficult of clear interpretation and violative of article three, section six, of the Constitution. The bill proposes to be a supplement to the act of March 24, 1877, creating and defining the duties and powers of recorders in cities whose population does not exceed thirty thousand and is not less than eight thousand five hundred.

It is a subject of grave doubt whether a supplement to that act which does not legislate as to the class of cities exclusively affected by that act, is a proper one. This bill relates to cities of the fifth class, that statute only to cities of the fourth class. It would seem that this bill is not a supplement to the act of 1877, and its title is erroneous.



The Legislature that passed the act of 1877 creating and defining the powers and duties of recorders, had in view only the government of a particular class of cities and intended only to legislate for them. This bill extends and confers the provisions of that act to cities of the fifth class by reference to its title only. It seeks to import into this bill the provisions of the act of 1877 without re-enacting and publishing them at length. It creates a new officer for these cities upon whom it confers powers and imposes duties, contained in some other act of Assembly, which are not set out, and which the Legislature, consequently, did not have before them when they passed this bill. There could not be a clearer violation of the letter and spirit of the sixth section of article three of the Constitution.

The bill is incongruous. It provides that "all cities of the fifth class shall elect a recorder at the next annual election for city officers." This section is mandatory. The concluding clause of the bill provides that its provisions shall not go into operation until adopted by the councils of the cities affected. Suppose the councils of a city do not adopt the bill. Is the city exempted from the operation of the law, or must it elect a recorder, as commanded, at the next election? Which section of the bill shall prevail?

The first section provides that "all cities of the fifth class shall elect a recorder at the next annual election for city officers succeeding the passage of this act." There is here no special qualification required for the recorder so first elected. The section then continues: "And every five years thereafter, a competent person, learned in the law, who shall be a qualified elector of such cities, and who shall hold said office for the term of five years." Thus it seems the second, and all succeeding recorders elected must be "learned in the law." The first recorder is not required to have any special

qualification. The term of the second recorder is to be five years. There is no limited term fixed for the first recorder. How the officer thus provided for is to be paid, what fees he may demand and receive from the citizen, cannot be ascertained by anything contained within the limits of this bill. To learn that, you must look elsewhere. To prevent this very evil, as well as inconvenience, section six of article three was inserted in the Constitution. That section was intended to make every act of Assembly complete in itself, so that the Legislature that passed it, and the citizen who was required to obey it, might read within its four corners everything necessary for a clear understanding of its provisions and of its effect upon the subject-matter legislated about. This bill is very far from that requirement.

The bill professes to be a general one, relating to all cities of the fifth class. But the concluding clause, making it operative only in those cities whose councils adopt it, destroys its general character unless it be so adopted by all such cities. Who can say they all will? One or two might adopt, and the rest reject it. Thus, in some of such cities, you would have a law in operation special to them alone, and not affecting the remainder of the same class. Does not the option clause in this bill therefore make it special?

But why create this office at all? If there be one popular demand more emphasized than another, it is not only that new offices shall not be created, but that all existing ones, not absolutely necessary, shall be abolished. The option clause in this bill is the best evidence that the Legislature itself did not believe this new office to be generally demanded. Probably only one of these cities desires this new officer, and the clause exempting those not adopting the bill was added to prevent the infliction being imposed upon those not asking the burden. If this be so it is an

additional reason for not passing a special bill under the guise of a general law.

For these reasons I return the bill without my approval.

ROBT. E. PATTISON.

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To the Assembly Vetoing "A Supplement to 'An Act Regulating Boroughs' Authorizing the Corporate Authorities of Any Borough to Vacate any Road, Street, Lane, Alley, or any Part Thereof, Within Said Borough."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, May 24, 1883.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 64, entitled "A supplement to an act, entitled 'An act regulating boroughs,' approved the 3d day of April, A. D. 1851, authorizing the corporate authorities of any borough to vacate any road, street, lane, alley, or any part thereof within said borough."

This bill authorizes the borough authorities, after notice and hearing, to vacate any road, street, lane, alley, or way, or any part thereof, whether the same be public or private. From the exercise of such power by the borough authorities, a party aggrieved thereby may make complaint to the next quarter sessions. The order of the court upon such complaint is, by the terms of the bill, final and conclusive. A concluding proviso empowers "the court to direct the same proceedings by views and reviews as are now provided by law for the vacation of public roads in this Commonwealth."

The bill is in derogation of the right of private property, and of the right of every citizen to have his cause determined by the court of last resort. It also vio-

lates section six of article three, and section eight of article sixteen, of the Constitution. A private way or alley is an easement in the land, and a valuable right of property, which cannot be taken, injured, or destroyed without just compensation. The bill makes no provision for the payment of damages to the citizen whose property may be injured by the exercise of the powers conferred on the borough authorities. The complaint allowed to the quarter session is not made a supersedeas, and would not stay the hand of the borough authorities pending its determination. These defects in the bill violate section eight of article sixteen of the Constitution, which provides that "municipal and other corporations and individuals invested with the privilege of taking private property for public use, shall make just compensation for property taken, injured, or destroyed by the construction or enlargement of their works, highways, or improvements, which compensation shall be paid or secured before such taking, injury or destruction." None of these rights thus declared by the fundamental law are protected by the bill now before me. And from the adjudication upon their infraction by an inferior tribunal, no appeal is allowed.

The bill also extends to the vacation of roads, streets, lanes, alleys or ways, public or private, within boroughs, the laws relating to the vacation of public roads in the Commonwealth without reenacting and publishing such laws. This is in violation of section six of article three of the Constitution. It may also be mentioned that there exist, in a number of counties, special laws for the vacating of public roads. If the bill seeks to extend these special laws, it would be unconstitutional, and as in such counties the general road law is inoperative, it is doubtful what the effect, if any at all, this latter provision of the bill would have in the boroughs in those localities.

Apart from these legal and constitutional objections, however, I can see no need for the present bill. The act of May 8, 1854, entitled "An act to enable the courts to vacate lanes, alleys, roads, and highways when they become useless," serves all the needful purposes of the present bill and at the same time protects the rights of private owners. The proceedings required by that act, to wit: the petition of at least twelve freeholders, is more in accordance with legal analogy and the spirit of our laws. The act, furthermore, invests the rights to vacate in the courts a safer, more deliberate, and more permanent tribunal than the burgess and council. In the case of a private way laid out by the owners of the soil the act of 1854 requires the consent of all the parties interested therein before the same can be vacated. Altogether that law is an excellent and effective enactment, and I can see no need for the passage of the present bill. For these reasons I return the bill without my approval.

ROBT. E. PATTISON.

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To the Assembly Vetoing "An Act to Grant Pensions to the Surviving Veterans of the Mexican War, and to the Widows of Deceased Soldiers and Sailors of Said War."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, May 24, 1883.

Gentlemen:—

I HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 31, entitled "An act to grant pensions to the surviving veterans of the Mexican war, and to the widows of deceased soldiers and sailors of said war."

A bill for the most part similar to the one herewith returned, was passed at the session of the Legislature of 1879, and again at the session of 1881, and was each time vetoed by my distinguished predecessor. Some of the changes made in this bill make it additionally objectionable and none remove the paramount obstacles to Executive approval in 1879 and 1881. The amount of the pension is greater in this bill; the re-marriage of the widow does not stay the payment of the bounty, as it did in the former measures, and persons pensioned in a less amount by other States or the General Government, may, by this bill, receive the difference in excess from this Commonwealth. The reasons urged by the former Executive against the similar bills vetoed by him apply with equal or greater force to the measure herewith returned. The bill is a wide departure from the principles which have governed such legislation in the past. It is not founded upon considerations of charity, for the opulent, as well as the needy, are made the recipients of its bounty. It is not intended to compensate for suffering or injury caused by military service, for the healthful and vigorous, as well as the wounded and disabled, share in its benevolence. The widow of a soldier, even though she married him after the military service was rendered, is entitled to a pension as well as a widow whose husband rendered the service, or was injured and disabled while she was his wife. Though she suffered nothing in her estate, comfort, or happiness by reason of her deceased husband's connection with the war, nay, even though she may now be in opulent circumstances, and the wife of another, she is, by this bill, pensioned by the State. Neither old age, want, disease, disability, wounds, nor distress of any kind are made conditions upon which the beneficiaries of this extraordinary act are admitted to its bounty. So limitless and indiscriminate a pension bill was never



before conceived or passed by any State, or by the United States. Its moving cause, though patriotic and commendable as a mere matter of sentiment, is not sufficient upon which to found so large a draft upon the public treasury.

The war with Mexico, though a brilliant, successful, and advantageous one for the General Government, was a military undertaking in which Pennsylvania had no special stake or part, in which those of her citizens who participated, did it voluntarily, for which she was not responsible, and by the result of which she did not immediately profit. Neither this nor any other State was invaded, the public security was not threatened, and no call for troops was made by the General Government. The war, in short, was one for National honor and aggrandizement, and though it augmented the Federal domain, and added to the glory of our arms, Pennsylvania shared in those advantages only in common with the rest of her sister States. Any claim upon benevolence for military services rendered by sound and healthful survivors of that war can only exist against the General Government for whom the services were rendered. If the United States, therefore, has not seen fit to extend its bounty to such survivors, upon what principle can this Commonwealth be expected to throw open its treasury doors?

The State treasury is not in a condition to carry the burden this bill would impose. Inquiries made of the Treasurer justify me in saying that the public revenues are not sufficient to meet the demands upon them which this measure may create. No one can say what would be the annual amount of money necessary to meet its requirements. A hundred thousand dollars yearly? A quarter of a million—or more or less? How much? None can say. It is certain, however, the amount would be very large. The existing reve-



nue laws were not framed with such a source of continuing expense in view, and if I were to approve the bill it would become a law without any legislative provision having been made to meet the liabilities it would impose. The Executive must interpose his disapproval of such reckless and inconsiderate financiering. The tendency of the legislation of this session is very properly to lessen taxation and divert certain revenues from the State. But, if, while this process of depletion of resources is going on, the General Assembly shall augment the liabilities of the State by increased appropriations, and the creation of novel and extraordinary liens, such as this bill does, they will soon have an empty treasury, and the unpaid warrants of the State floating upon the market. Even so high a credit as that enjoyed by our State could not long survive the strain such a violation of all sound business principles would occasion.

For these reasons I have withheld my signature to this bill. If they lack anything in cogency, I recommend to the attention of the Legislature the former vetoes of 1879 and 1881.

It is proper also to say that there is a penal clause in the bill which is an anomaly in criminal legislation. To "allow" any sum over a specified amount to an agent or attorney collecting a pension is prohibited by "fine and imprisonment." Whether the person punishable by this provision is the person who allows, or the one who receives the excessive charge; where, how, or by what tribunal he is to be tried, and what is the amount of the fine, or length of the imprisonment he may suffer is not determinable from anything in this bill.

ROBT. E. PATTISON.

To the Senate Nominating Commissioners to Keep and Audit the Accounts of the Various Departments of the Commonwealth.

Executive Department,  
Harrisburg, June 2, 1883.

Gentlemen:—

**I**N CONFORMITY WITH A JOINT RESOLUTION of the General Assembly, approved the third day of April, 1883, in relation to keeping and auditing the accounts of the various departments of this Commonwealth, I have the honor hereby to nominate, for the advice and consent of the Senate, the following-named gentlemen to be the commissioners provided for in said joint resolution, viz:

Charles H. Rogers, Philadelphia county.

John Ballentine, Allegheny City, Allegheny county.

J. Brinton White, Drifton, Luzerne county.

T. J. Smiley, Titusville, Crawford county.

Benjamin M. Nead, Harrisburg, Dauphin county.

Charles Nash, Williamsport, Lycoming county.

ROBT. E. PATTISON.

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To the Senate Vetoing "An Act Granting a Gratuity and Pension to Amanda Livingston, Widow of Amaziah Livingston, a Soldier of the Late War of the Rebellion."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 4, 1883.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 175, entitled "An act granting a gratuity and pension to Amanda Livingston, widow of Amaziah Livingston, a soldier in the late war of the rebellion."

In a former message to the Senate, withholding my approval from a bill granting a pension to the mother of a soldier of the National Guard, I expressed my doubts as to the authority of the Legislature to grant pensions to others than those who performed military service. The arguments contained in that message upon the Constitutional restriction, I do not deem it necessary now to repeat. There are additional reasons why this bill should not become a law. It recites that Amaziah Livingston was a soldier in the late civil war, and received injuries while in the military service; that he died, leaving a widow and child to survive him; that under the United States pension laws this widow is not entitled to a pension. Because of these facts the bill proposes to give her a pension from the State. While these circumstances may constitute a strong claim upon private charity, they are insufficient to justify the Legislature in extending the aid of the Commonwealth. It does not appear that Amaziah Livingston died from the injuries he received, or that his death was in any manner occasioned thereby; nor is it disclosed whether the beneficiary of the bill became his wife before or after he was injured. She is declared not to be entitled to a pension under the laws of the United States. Whether the insufficiency of her claim results from defectiveness of proof or want of merit is not disclosed. It is fair to assume that the defect must be an important one. No nation has been more gratefully considerate of its soldiers than the United States. Its pension laws are liberal beyond precedent, and are among the brightest pages in the national statute book. No people have ever been so conspicuous in their gratitude for patriotic service. It is safe to assume that when a claim is so weak that the generous pension laws of the United States are insufficient to cover it, there can be little to provoke the bounty of the State. While we all should

be grateful for the valuable service of those who risked their lives in the preservation of the Union, we should hesitate before we open the doors of the treasury to claims such as these set up in this bill, which even the generosity of the United States laws will not recognize.

ROBT. E. PATTISON.

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To the Assembly Vetoing "An Act Relating to the Collection of State Tax upon Collateral Inheritance and Defining the Duties of Auditors in Relation to the Same."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 4, 1883.

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 72, entitled "An act relating to the collection of State tax upon collateral inheritances, and defining the duties of auditors in relation to the same."

The act of April 21, 1846, in its tenth section, provides for the appointment, by the court of common pleas of each county, of auditors to pass upon the accounts for fees of certain county officers. It imposes no duties with reference to the collection of collateral inheritance tax, and does not relate to that subject at all. The bill now under consideration seeks to clothe these auditors with powers altogether new and foreign to the original purpose of their appointment. It authorizes them to institute an inquisitorial search for evidence as to what estates have become liable to pay this tax, and for what amounts such estates are

liable, whilst under existing laws this entire matter is under the control of the register of wills, to whom, it seems to me, it more properly belongs. I fail to see the necessity for, or the wisdom of, this proposed change.

The bill gives to the auditors power to issue subpoenas for the attendance of witnesses, and the production of books and papers, and upon the refusal of the witnesses to obey the subpoenas, they may be committed for contempt on the application of the auditors to the court of common pleas. It may be answered that this power can only be exercised at the discretion of the court, but such punishment ought not to be inflicted upon the citizen until after a full and patient hearing and for this the bill makes no provision.

The bill further provides that in counties in which the county officers receive a salary in lieu of fees, the auditors shall be appointed by the Auditor General, and that he shall fix their compensation, subject to the approval of the court of common pleas of the proper county.

The object of the distinction between the appointing power in counties whose county officers receive salaries, and those whose county officers receive fees is not obvious to me, and is, to say the least, of doubtful propriety. The compensation, too, under such a practice would be uncertain and shifting, whereas it ought to be fixed and definite. The bill seeks to make register of wills and the sureties on his bond liable for the collateral inheritance tax not collected through his neglect. This is a step in advance of the present law relating to the collection of this tax, and imposes a heavy responsibility upon the register of wills, and a liability upon his sureties, not contemplated when the bonds now in existence were given. It thus changes the obligation of existing contracts which ought not to be allowed. A provision to charge an officer with

moneys that he fails to collect, is one that may throw a serious obstacle in the way of such an officer giving a bond, and the measure of such a responsibility should be defined with great clearness and precision. This bill charges him with "any collateral inheritance tax that shall fail to be collected because of his neglect," without describing what would constitute neglect, or furnishing any data by which courts or others could readily determine that question. The compensation of the appraisers of the tax is fixed by the bill, and to this no reference is made in the title, which is in violation of article three, section three, of the Constitution.

ROBT. E. PATTISON.

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To the Assembly Vetoing "An Act to Amend an Act Relative to the Organization and Discipline of the National Guard, Regulating the Allowance for Armory Expenses."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 4, 1883.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 115, entitled "An act to amend an act, entitled 'A further supplement to the act, approved May 4, 1864, relative to the organization and discipline of the National Guard, which supplement was approved the 14th day of May, 1874, regulating the allowance for armory expenses,'"

By existing laws, each company of the National Guard in cities, boroughs, or towns containing over

fifteen thousand inhabitants, is entitled to receive two hundred dollars, and each company in cities, boroughs, or towns of a less population, one hundred dollars, yearly for armory rent. By the provisions of the said laws this money is to be applied to the payment of armory rent only. The purpose of the bill herewith returned is to increase the allowance for armory rent to this latter class of companies from one hundred dollars to two hundred dollars annually. The facts which have come to my knowledge respecting the National Guard induce me to withhold my approval from this increased expense. As Commander-in-Chief of the military branch of the Government, I directed the Adjutant General to cause an inspection to be made of the stores and condition of the National Guard. In pursuance of this order, Colonel P. Lacy Goddard, Inspector General, has been conducting such inspection. Though his duties are not yet concluded so as to lay before the Executive a complete report of the result of his labors, he has furnished sufficient evidence to convince me that the bill herewith returned is an unnecessary and extravagant measure.

From the facts ascertained by the Inspector General, it appears that there are twenty companies in the State whose allowance for rent is increased by this bill, who have built armories for their use out of the money heretofore given them for rent, and who, therefore, are now under no expense whatever for rent. The Inspector General's report also discloses the fact that the average rent paid by the companies affected by this bill is less than one hundred dollars annually.

There is no necessity and has been no demand for an increase of the present allowance; it is more than ample for all legitimate requirements; so true is this that twenty armories have been built from money appropriated for rent only. The title of these prop-



erties ought to be in the State, for they have been built by the State money applied to other purposes than those authorized by law. There is no reason for increasing an allowance that the facts disclose, has, in the past, proven to be "enough and to spare."

If this bill should become a law, it would increase the item of the rent \$7,000, which would to that extent diminish the appropriation to the National Guard for other purposes. There is no justification for the passage of this measure, and approval is withheld for the reasons above stated.

ROBT. E. PATTISON.

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To the Assembly Vetoing a Joint Resolution Providing for the Construction of Certain Fishways.

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 4, 1883.

Gentlemen:—

I HEREWITH RETURN, WITHOUT MY APPROVAL, an extract from your journal purporting to be a joint resolution of the Assembly, originating in your House. By the act of Assembly of June 11, 1879, entitled "An act for the propagation and protection of fish, and appropriating moneys therefore," there was appropriated \$30,000, for the construction and remodeling of fishways. A proviso to the fifth section limited the amount to be spent in the construction and remodeling of the fishways in Columbia dam to \$15,000. The resolution herewith returned, recites that of the \$30,000 appropriated by the act of 1879, there remains an unexpended balance. This balance

the resolution seeks to authorize the Fish Commissioners to spend in the remodeling of the fishway at Columbia dam, constructed in obedience of the act of 1879, and the building of a fishway at Clark's Ferry dam. This resolution, therefore does one of two things:

It either, first, appropriates money, or second amends the act of 1879.

It is objectionable in either view. As an attempt to appropriate money, it is objectionable for the following reasons:

The Constitution commands that "no money shall be paid out of the treasury, except upon appropriations made by law;" that "no law shall be passed except by bill," that every bill shall have its single purpose clearly expressed in its title, and that "the presiding officer of each House shall, in the presence of the House over which he presides, sign all bills," after first publicly reading their titles. This resolution is not a law. It is not a bill. It has no title. It is not signed by the presiding officer of each House, but by the clerks thereof. A resolution is, therefore, not a lawful means of appropriating public money. It is not a law, and the Constitution forbids money to be appropriated except "by law." It professes to be a joint resolution. But it is not even that. The Constitution requires joint resolutions, as well as bills, to be signed by each presiding officer. This assigned by the clerks of the two Houses, and is merely an extract from the journals.

Moreover, the sum of money to be affected by the resolution is not named. It is called a "balance." Its amount is not declared. As an attempt to take money out of the treasury, therefore, this resolution is in every way objectionable, unlawful, and informal.

Suppose, on the other hand, it is intended as an

amendment to the act of 1879, changing the purposes to which the moneys appropriated by that act were dedicated. A public law cannot be amended, except by another law passed in conformity to the Constitution. The law amended must be republished and re-enacted at length. This resolution, as has been shown, is not a law, and even if it were it does not recite, re-enact, and republish the part of the act of 1879 it seeks to amend.

A resolution of the General Assembly is not a law and cannot change a law. It cannot appropriate money or divert to other objects moneys already specifically appropriated. It is incapable of effecting any of the purposes of a public statute.

ROBT. E. PATTISON.

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To the Senate Nominating Commissioners of the  
Board of Public Charities

Executive Department,  
Harrisburg, June 5, 1883.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, the following named gentlemen to be Commissioners of the Board of Public Charities:

George L. Harrison, Philadelphia, Philadelphia county.

Henry M. Hoyt, Wilkes-Barre, Luzerne county.

Dr. Thomas G. Morton, Philadelphia, Philadelphia county,

to be the three additional members as provided for by the act of the General Assembly of May 8, 1883.

Ellis Yarnall, Philadelphia, Philadelphia county, vice Thomas Beaver, resigned.

J. W. C. O'Neal, Gettysburg, Adams county, vice George Bullock, term of service expired.

ROBT. E. PATTISON.

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To the Senate Nominating John O. Sherrer a Trustee of the State Hospital for the Insane at Warren.

Executive Department,  
Harrisburg, June 5, 1883.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John O. Sherrer, of Cambridge, Crawford county, to be trustee of the State Hospital for the Insane, at Warren, Pennsylvania, vice R. S. Hunt.

ROBT. E. PATTISON.

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To the Senate Nominating Managers of the Pennsylvania Reform School at Morganza.

Executive Department,  
Harrisburg, June 5, 1883.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, the following-named gentlemen to be the managers of the Pennsylvania Reform School, situate at Morganza Station, Washington county, Pennsylvania:

James P. Barr, Pittsburgh, Allegheny county.

George W. Miller, Washington, Washington county.

Harman Rainey, Washington, Washington county.

Thomas McKennan, Washington, Washington county.

Morrison Foster, Allegheny City, Allegheny county.

A. F. Keating, Pittsburgh, Allegheny county.

John Birmingham, Pittsburgh, Allegheny county.

J. A. J. Buchanan, Waynesburg, Greene county.

ROBT. E. PATTISON.

To the Senate Withdrawing the Nomination of John O. Sherrer as a Trustee of the Hospital for the Insane at Warren, and Nominating John O. Sherred for said Office.

Executive Department,  
Harrisburg, June 5, 1883.

Gentlemen:—

I HAVE THE HONOR HEREBY TO WITHDRAW the name of John O. Sherrer, nominated for trustee of the Hospital for the Insane, at Warren, Pa., vice R. S. Hunt, term expired, and I hereby nominate, in conformity with law, for the advice and consent of the the Senate, John O. Sherred, for trustee of the Hospital for the Insane, at Warren, Pa., vice R. S. Hunt, term expired.

ROBT. E. PATTISON.

A Message Convening the Assembly in Extraordinary Session on June 7th, 1883, to Apportion the State into Senatorial and Representative Districts According to the Provisions of the Constitution.

Executive Department,  
Harrisburg, June 6, 1883.

Gentlemen:—

**B**Y VIRTUE OF THE AUTHORITY VESTED IN me by the Constitution, I hereby convene you in extraordinary session, on Thursday, the 7th day of June, A. D. 1883, at twelve o'clock, noon, of that day.

In the judgment of the Executive, such an extraordinary occasion has arisen as to require the exercise of this power.

The Constitution commands the General Assembly, "immediately after each United States decennial census," to apportion the State into Senatorial and Representative districts. This imperative mandate has not been obeyed. By the joint rules of your Houses the time has gone by when any bills disclosing a purpose to perform this duty can be presented to me for approval.

The obligation is imposed upon the Governor to "take care that the laws be faithfully executed." I deem it my duty, therefore, to exhaust my lawful authority to correct the grave default of the Legislature.

Equally important and necessary, though not so specifically commanded by law, is the duty of the Assembly to apportion the State into Congressional and Judicial districts. I, therefore, designate the apportionment of the State into Senatorial, Representative, Congressional, and Judicial districts as subjects for legislative consideration.

The right of the people to fair, just, and lawful representation in the legislative councils of the State and Union is secured by the Constitution, and must

not be denied. The importance of the right cannot be over-estimated. It is the essential principle of our form of government. It underlies all our political rights. It is to be jealously guarded, carefully conserved, and faithfully carried out.

The time is peculiarly fitting for the passage of bills to secure a fair, just, equitable, and non partisan apportionment of the State. The two Houses of the Assembly are composed of majorities of different party affiliations. A greater degree of fairness is to be expected from such a condition of the legislative body than if it was dominated in both branches by majorities of the same party convictions. Each House will prove a check upon the other in any attempt to obtain unfair advantages. Mutual concessions and a spirit of conciliation ought to result in an adjustment of the differences of the two Houses, and the prompt passage of bills, fair in spirit, giving just representation to the people in all sections of the State.

In addressing ourselves to these subjects we must keep constantly in view the guide provided in the Constitution, directing that the legislative districts shall be "composed of compact and contiguous territory as nearly equal in population as may be." This is a plain and simple rule established for our guidance by the fundamental law. To follow it in its spirit will result in just conclusions. There ought not to be any doubt of the Legislature speedily agreeing upon the subject designated for their consideration. It is their duty to agree. A further default in this matter will result in at least six years of the decade elapsing without the apportionment required by law being made. To prevent such an indefensible condition of affairs, I have deemed it obligatory upon me to proclaim this call for an extraordinary session.

I have selected a time for your assembling immediately succeeding the day of adjournment of your reg-



ular session, so as not to necessitate your recall after you had dispersed to your homes. In this way the expense of the session will be lessened as the machinery for the conduct of the business of the Assembly is ready for use.

I reluctantly convene the Legislature at this season of the year. Nothing but a sense of imperative duty impels me to adopt this course. I hope, however, that in a few days you will have concluded your labors to the satisfaction of the people, and having discharged your constitutional duties will be able to return again to your families and homes.

ROBT. E. PATTISON.

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Veto of "An Act to Permit the President Judge of the Court of Common Pleas in the Counties Where, by Present Laws, the County Treasurer Collects the Taxes, to Change the Date or Dates at Which a Reduction of Said Taxes for Prompt Payment Shall Cease."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 16, 1883.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, House bill No. 265, entitled "An act to permit the president judge of the court of common pleas in the counties, where, by present laws, the county treasurer collects the taxes, to change the date or dates at which a reduction of said taxes for prompt payment shall cease."

This bill imposes upon judges duties wholly foreign to their office. It seeks to make them assist in the

regulation of the purely financial concerns of a county, and to become a part of the taxing power to the extent of determining during what period the citizen shall be entitled to a reduction of the amount of his tax for prompt payment. Such duties in no wise pertain to the judicial office, but are a matter relating exclusively to the business concerns of the county.

I am opposed to all legislation that invests our judges with functions not strictly judicial. Their independence, their dignity, and their usefulness are best preserved and protected by confining their diligence to the administration of justice in the interpretation of our laws. When we attach to the office of judge duties or powers of a political and executive nature, we degrade the office and expose the incumbent to influences calculated to destroy his independence and involve him in contentions and concerns that lessen his dignity and shake the public confidence in his integrity and impartiality. This is pre-eminently true of an elective judiciary. We should protect our judges in absolute independence of parties or individuals, that the public mind may securely repose trust in their fidelity and honor. We do this when we remove from them all causes that subject them to personal solicitation, when we confine them to their great and lofty functions, and thus make their highest ambition the honorable distinction of enjoying the respect, confidence, and esteem of the people whose laws they conserve and administer.

ROBT. E. PATTISON.

Veto of "An Act Granting a Gratuity to Edwin Hatch."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 19, 1883.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the Office of the Secretary of the Commonwealth, House bill No. 30, entitled "An act granting a gratuity of five hundred dollars to Edwin Hatch, who is the destitute father of Ryland Hatch, a soldier of the National Guard, who died in the service of the State. At the Legislature of 1881, a bill was passed granting to the same Edwin Hatch, for the same reasons, a pension of seventy-five dollars a year. My distinguished predecessor refused his approval to that bill upon the grounds that the eighteenth section of Article III of the Constitution prohibits the General Assembly from granting charitable relief to any person except for military service, and that as Edwin Hatch, the father, performed no military service, he could not be pensioned. For the same reason I have vetoed similar measures at this session. I believe that construction of the Constitutional prohibition to be sound, and, as this bill violates that provision of the fundamental law, I withhold my approval.

ROBT. E. PATTISON.

Veto of "A Supplement to 'An Act to Provide for the Submission of Civil Cases, by Agreement of the Parties, to a Referee Learned in the Law.'"

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 19, 1883.

**I** HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, Senate bill No. 185, entitled "A supplement to an act, entitled 'An act to provide for the submission of civil cases, by agreement of the parties, to a referee learned in the law.'"

This is a remarkable piece of legislation, but its extraordinary character would not be imagined from its title, for that gives no possible indication of the purpose and effect of the bill, but is misleading and deceptive. It is termed "a supplement to an act" to provide for the submission of civil cases, by agreement of the parties, to a referee learned in the law. What the "supplement" enacts, or any suggestion of its purpose, is not inserted in the title, which simply informs us that the bill is a "supplement," and that is the extent of the information it gives.

In this respect I regard the title as constitutionally defective. Moreover, whatever suggestion, if any at all, it gives as to the effect of the bill, is misleading and deceptive. One would suppose from its title that the measure merely related to the submission of causes to referees, whereas, in fact, it establishes a new, unheard of, and unparalleled kind of court and jury, to act in place of the regular and ordinary tribunals established by the Constitution and laws.

Passing by its misleading title, and reading the bill itself, we find it provides that the parties to any civil action pending in any court, may agree, in writing, to remove their cause out of the court, and submit it to a

referee and jury. This jury the parties may select out of the regular panel attending the court, or they may agree upon another jury, and they or their counsel may then direct a venire to issue, to summon the persons so agreed upon as jurors to attend the said referee at a time of trial fixed by the suitors themselves, notwithstanding the regular term or return day may intervene between the issuing and return of such venire. The bill then provides that "it shall be the duty of persons so selected and summoned, to appear at the time and place appointed, and in default of appearance shall be subject to pay the same penalty imposed by existing laws upon defaulting jurors. And if for any reason the jurors do not appear, vacancies may be filled by agreement of the parties." A so-called jury being made up, the cause proceeds to trial "in the same manner and subject to the same rules and practice, and with like force and effect, to all intents and purposes, as cases tried before the court or president judge thereof \* \* \* \* And the verdict and judgment thereon, with what pertains to it, shall be filed of record in the case, and shall, in like manner, and to the same extent, be subject to exceptions and writ of error, and subject to the same control by the Supreme Court as cases tried before the court in which such suits were brought or pending, or the president judge thereof."

Is not this a most extraordinary enactment? It allows suitors to choose their own judge, rejecting the one selected by the citizens, to select their own jurors, dismissing those summoned according to the ancient usage and laws of our civil institutions, and gives to the strange, self-composed, and temporary court thus called into being, all the rights, processes, and authority of the regularly established tribunals of the people. Under it the citizen might be compelled to do jury service, whenever and as often as the caprice

of private litigants or their counsel may determine. Would not the execution of such a statute be in every instance a reproach upon the court it superseded, and the laws it rejected?

I am not willing to give my sanction to so strange a system of judicature. The Constitution provides that "the judicial power of this Commonwealth shall be vested in certain particular courts, and in such other courts as the General Assembly may from time to time establish." The Legislature is not authorized to lodge the judicial power of the State in any such irresponsible, shifting, temporary, and disjointed tribunal as that attempted to be created by this bill. Our judicial system may have many defects, and is, no doubt, susceptible of much improvement, but with all its imperfections it is infinitely to be preferred to the plan contained in this bill.

ROBT. E. PATTISON.

Veto of "An Act Granting a Pension to Peter Strohm,  
a Soldier of the Mexican War."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 19, 1883.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 300, entitled "An act granting a pension to Peter Strohm, a soldier of the Mexican war."

The war with Mexico was waged by the Federal authorities, and this Commonwealth, as a State, did not participate therein. Those of her citizens who enlisted in that war, did so voluntarily. Their service was

rendered to the general Government, and was not given to protect life and property in this State or repel invasion therefrom. The United States, therefore, who benefited by the service of the soldier who is the beneficiary of this bill, should pension him, and not this State. But the general Government has not yet been moved to bounty on behalf of the soldiers of the Mexican war, her authorities having thus far deliberately refused to enact a Mexican pension law. Surely, then, this State cannot be expected to supply the bounty the Federal administration refuses to extend. These arguments I announced during the session in a veto sent to the House of bill No. 31, which was a general act providing for pensions to all Mexican soldiers, or their widows, within this State. The same line of thought compels me to withhold my approval to this measure.

ROBT. E. PATTISON.

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Veto of "An Act for the Government of Cities of the Fifth Class."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 20, 1883.

**I** FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 383, entitled "An act for the government of cities of the fifth class."

This is a very long bill, containing many provisions. Indeed, to such minute particulars does it descend, that if it should become a law the cities thereby effected would have little discretion left as to the gov-



erument of their own affairs. As to the wisdom of many of the details of the bill the Executive has grave doubts; but one of its provisions is so highly objectionable that he contents himself with resting his disapproval upon that alone: The first clause of section four provides that a treasurer of a city of the fifth class may appoint collectors of unpaid taxes, to whom he shall deliver his warrant authorizing the collectors to levy and sell the personal property of the debtor for the payment of the tax due. The bill then further provides that "said warrant shall also empower the collector, on failure of personal property being found sufficient to pay the taxes assessed against any person or persons, and twenty days' notice having been given to such person or person to pay said taxes, to take the body of such delinquent, if found in said county, and convey him to the jail of the proper county, there to remain until the amount of such tax, together with the costs, shall be paid, or secured to be paid, or until he shall be otherwise discharged by due course of law." I will never give my approval to any law to re-establish imprisonment for debt in this Commonwealth. Such a step backward, out of the humane civilization of to-day to the repellant harshness of the laws of a century ago, would be a blot and reproach upon the fame of the State. It is difficult to imagine how a bill containing such a provision as the one cited ever passed a Pennsylvania Legislature of to-day. The insolvent delinquent taxpayer may be unfortunate, but I will not consent to the barbarism of making his poverty and misfortune a criminal act.

ROBT. E. PATTISON.

Veto of "An Act to Extend the Provision of 'An Act to Prohibit the Running at Large of Domestic Animals in the Townships of Allegheny, Bingham, Harrison, Sweden, and Ulysses, and the Borough of Lewisville, in the County of Potter, and the Townships of Anin and Liberty in the County of McKean,' to the Township of Homer in the County of Potter."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor.  
Harrisburg, June 20, 1883.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, House Bill No. 177, entitled "An act to extend the provisions of an act entitled 'An act to prohibit the running at large of domestic animals in the townships of Allegheny, Bingham, Harrison, Sweden and Ulysses, and the borough of Lewisville, in the county of Potter, and the townships of Anin and Liberty, in the county of McKean, approved May 22, 1878, to the township of Homer, in the county of Potter.'"

This bill extends the provisions of the act of May 22, 1878, to the township of Homer, in the county of Potter. This act regulated the matter of the running at large of domestic animals in certain townships and boroughs of the State. This bill simply enacts those regulations for the township of Homer, and is, therefore, a local and special law regulating the affairs of townships, and violative of section seven or article three of the Constitution. That section provides that "the general assembly shall not pass any local or special laws \* \* \* regulating the affairs of counties, cities, townships, and boroughs, or school districts." This bill is under the ban of that inhibition. It may be said, however, that if this is true,

then the act of 1878, which this bill extends, is open to the same objection and should not have become a law. The Executive expresses no opinion upon the question. He is only called upon now to pass upon the bill immediately before him, and finding it unconstitutional he withholds his approval.

ROBT. E. PATTISON.

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Veto of "An Act Relating to Surveyors."

Executive Department,  
Commonwealth of Pennsylvania.

Office of the Governor.

Harrisburg, June 20, 1883.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth House bill No. 220, entitled "An act relating to surveyors." This bill is an attempt to regulate the business of surveying. It requires surveyors "before proceeding to take the bearing and distances of boundary lines of surveys to obtain at station number one" the bearing to certain visible and permanent objects, and, as they proceed, to correct doubtful marks in the corners of surveys by taking bearing to similar permanent objects. Aside from the question whether the Legislature has the right thus to direct surveyors how they shall perform their work, the bill itself, even if a wise and legitimate exercise of legislative authority, would be absolutely impotent as an enactment. It directs certain things to be done by surveyors, but imposes no penalty of any kind on their failure to obey its injunctions. It amounts to little more than a mere request, which may or may not be obeyed, according to the pleasure of the citizen. The measure, therefore, being futile to

compel any good, and having doubts as to its lawfulness, I decline to encumber the statute book with its provisions.

ROBT. E. PATTISON.

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Veto of "An Act to Authorize and Require the Auditor General and State Treasurer to Settle and Pay the Account of John Paister, of Somerset County, Pennsylvania."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 21, 1883.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 359, entitled "An act to authorize and require the Auditor General and State Treasurer to settle and pay the account of John Paister, of Somerset county, Pennsylvania." This is an extraordinary bill. It directs the State Treasurer and Auditor General to "settle and adjust" the account of the person therein named for rental of a house furnished by him to a company of State soldiers during the months of June and July, 1863. It then positively commands the Auditor General to draw his warrant for a certain specified amount of money with interest from July 10, 1863. It is difficult to see just what there is left for the accounting office to "adjust" when the amount of the account is already determinately fixed by the Legislature, and he is expressly directed to draw his warrant for that identical amount. The Legislature having already "adjusted" the claim and directed the proper State officer to pay it accordingly, it seems

like a mockery to say that he shall "adjust" it. Besides, why should the State pay twenty years' interest on the account—one fifth more than the entire claim itself? What has the Commonwealth done to suffer such a penalty? Has she resisted the claim in the past? Did the claimant ever demand his debt before, or has he slept all this time on his rights, and permitted this mountain of interest to accumulate by way of investment? None of these questions are answered by the bill. It is unheard of for a government to pay any such amount of interest, except by way of re-imbursement in cases of great hardship and injustice. Indeed, the usual course is for no interest to be paid at all. I see no reason for the extraordinary liberality displayed in this bill.

ROBT. E. PATTISON.

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Veto of "An Act Authorizing and Requiring the Auditor General and State Treasurer to Audit and Settle the Account of George Hefley of Somerset County."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 21, 1883.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 165, entitled "An Act authorizing and requiring the Auditor General and State Treasurer to audit and settle the account of George Hefley, of Somerset county."

I decline to approve of this bill, because, without sufficient, or any, reason, that I can see, it imposes

upon the State the penalty of twenty years' interest and debt said to be due and owing to a citizen. During June and July, 1863, George Hefley, of Somerset county, "quartered and kept" State troops in his two-story house. For this service he now claims compensation of the State, and this bill awards him two hundred dollars, with interest from July 1, 1863. There is no allegation that he ever before claimed compensation of the State and that she resisted his claim. The fact that he was entitled to be a creditor of the State may have only recently dawned upon him, for it does not appear he was much affected in his property or estate by this "quartering" and "keep" of the troops. Nevertheless, this bill gives him his debt and twenty years' interest. Quite a good investment for him!

The bill in one clause requires the Auditor General and State Treasurer to "adjust" the claim, and in another fixes two hundred dollars, with interest from July 1, 1863, as the amount for which the Auditor General is peremptorily required to draw his warrant. How can that officer have any discretion to "adjust" a claim in the face of such an obligatory direction?

ROBT. E. PATTISON.

Veto of "A Supplement to 'An Act to Provide for the Division of Counties of this Commonwealth and the Erection of New Counties Therefrom,' Providing for and Regulating the Removal of Proceedings from the Orphans' Court of the County Divided to the Orphans' Court of the County Erected, in Cases Where the Estate Lies, or the Parties in Interest Reside, Within the County Erected."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 21, 1883.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 205, entitled "A supplement to an act, entitled 'An act to provide for the division of counties of this Commonwealth and the erection of new counties therefrom,' approved the seventeenth day of April, Anno Domini one thousand eight hundred and seventy eight, providing for and regulating the removal of proceedings from the orphans' court of the county divided to the orphans' court of the county erected, in cases where the estate lies, or the parties in interest reside, within the county erected."

A measure identical with this bill was passed by the Legislature at its last session, but having failed to receive executive approval, did not become a law. I fully concur with the objections then filed by my distinguished predecessor, and of record in the State Department; and the lapse of time makes them now apply with greater force to the bill before me.

This bill, though by its terms of general application, can only affect the counties of Luzerne and Lackawanna. It is now nearly five years since Lackawanna county was erected out of Luzerne. Most of the orphans' court business pertaining to estate now in



Lackawanna county, but begun in the orphans' court of the then undivided county of Luzerne, must by this time be nearly settled. There should be strong reasons for removing the few of such estates not yet settled from the court and judge before whom they have been for five years undergoing adjudication. The temporary convenience of the parties and attorneys, and the saving of the cost of a little traveling, is the only apparent inducement for this bill. Not conceiving this a sufficient reason for its enactment into a permanent general law, I withhold my approval.

ROBT. E. PATTISON.

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Veto of "An Act Relating to the Assignment of Mortgages and Other Obligations When the Same Have been Fully Paid."

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Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 21, 1883.

**I** HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, Senate bill No. 110, entitled "An act relating to the assignment of mortgages and other obligations when the same have been fully paid."

This bill provides that any person indebted by mortgage, judgment, recognizance, or other security, may, when the same shall become due, tender to the holder of such evidence of indebtedness the amount thereof with interest and costs, and require such holder to assign the same to such person as the debtor may name. Upon the refusal of the holder to comply with

such requirements of his debtor, the court is authorized to compel the assignment of the instrument of indebtedness to the person so named by the debtor.

There are two objections to this bill, either of which is sufficient to prevent executive approval. This bill seeks to introduce a new condition into the mortgage, or other security, not made a part thereof, by the agreement between the parties. The holder of the instrument of indebtedness may have never agreed to do more than surrender the same and cancel the debt upon payment, but this bill would compel him to assign the security at the designation of the holder. The Legislature has no right thus to impose obligations upon one of the parties to a contract which he never agreed to perform. Such interference with contracts is beyond the power of the law making body. Besides, the bill would open the door to fraud and deceit. Under it a debtor having paid his obligation, might still keep alive the evidence of indebtedness for improper purposes by designating some person in collusion with him to whom it must be assigned. That is to say, a fictitious indebtedness might be created by the assignment, and other creditors be prevented from obtaining their just dues by reason of a prior lien which in honesty should be discharged, but which is still kept alive to the defeat of their lawful claims.

I cannot give countenance to a measure that would make such fraudulent transactions possible.

ROBT. E. PATTISON.

Veto of "An Act Authorizing an Increase in the Number of Clerks Employed in the Office of the State Treasurer, and Fixing the Salary Thereof, and Making an Appropriation for the Same."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 22, 1883.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 182, entitled "An act authorizing an increase in the number of clerks employed in the office of the State Treasurer, and fixing the salary thereof, and making an appropriation for the same."

This bill provides for an additional clerk in the State Treasurer's office, to be known as a corporation clerk, at a yearly salary of eighteen hundred dollars. The general salary act of May 11, 1874, fixes the salaries of all the officers of the State Government, and the number and compensation of the clerks and employes in all the Departments. By that act the State Treasurer's Department was allotted one chief clerk at two thousand dollars a year, three other clerks at fourteen hundred dollars a year, and a messenger and watchman at nine hundred dollars each. Since 1874 the business of the State Treasurer's Department has been conducted with the clerical force appointed by that act, and no complaint—that I know of—has been made, until now, of the insufficiency of the number of assistants. Why should the increase proposed by this bill be made? I have heard no reason for it and cannot imagine any. No additional duties have been imposed upon the State Treasurer since the passage of the act of 1874, nor has the business of his Department changed in character or laboriousness. My knowledge of the Departments leads me to believe that they are all well and fully equipped with employes; that the

act of 1874 was a liberal one, and that if it erred at all it was not on the side of parsimony. The legislative mind must have been impressed with this thought early in the session, for it then appointed a joint committee to inquire into what reductions could be made in the clerical force of the various State Departments. There is a deep-seated belief among the people that the cost of conducting the Government is too great; that the list of names upon the pay-rolls is unnecessarily large, and that there exist a number of sinecures that could, and ought to, be dispensed with. It is a poor answer to this popular complaint to add more names to the long list of office-holders drawing pay from the public purse. It is also worth mentioning, in this connection, that the present Legislature recently passed a most wise and commendable act, which is now a law, requiring the money in the sinking fund, not otherwise invested, to be used in the purchase of either United States bonds or those of the State.

As the commissioners of the sinking fund will, therefore, in obedience to that act, invest the large balance of upwards of two millions and a half of dollars in one or other of these securities, the Treasurer will be relieved from keeping the numerous accounts he now has with various banks where that money is at present deposited without interest. In addition to the other valuable benefits conferred by that act, the saving of labor the Treasurer will experience in being relieved from a considerable quantity of book-keeping is worthy of remark, and is a reason for dispensing with any necessity for this bill. Not knowing any good reason for the additional clerkship created by this bill, I decline to assist in placing this burden upon the people.

ROBT. E. PATTISON.

Veto of "An Act Amending an Act Dividing Cities of this State into Three Classes, Regulating the Passage of Ordinances, Providing for Contracts for Supplies and Work for Said Cities, Authorizing the Increase of Indebtedness and the Creating of a Sinking Fund to Redeem the Same, Defining and Punishing Certain Offenses in all of said Cities, and Providing for the Incorporation and Government of Cities of the Third Class."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 22, 1883.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 73, entitled "An act amending clause thirty-two of section twenty of an act dividing cities of this State into three classes, regulating the passage of ordinances providing for contracts for supplies and work for said cities, authorizing the increase of indebtedness and the creating of a sinking fund to redeem the same, defining and punishing certain offenses in all of said cities, and providing for the incorporation and government of cities of the third class, passed May 23, 1874."

The title to this bill gives no idea of its purpose and effect. It is entitled "An act amending clause thirty-two of section twenty of an act dividing cities of this State into three classes," &c. What the character of the amendment is, or its purpose, subject, or effect, is not indicated or referred to in the title to the bill. From reading the title alone, no idea can be gained of the very important changes made by the bill in the law which it amends. Section three of article three of the Constitution provides that "no bill except general appropriation bills shall be passed containing more than one subject, which shall be clearly ex-

pressed in the title." This title does not "creatively" or at all express the subject of the bill. For this reason alone I would withhold my approval. The constitutional provision referred to is a most wise and salutary one. It has proved a cardinal corrective of many serious legislative abuses. It was intended to prevent the combining of many and diverse subjects in one bill, and to oblige each proposed act to stand upon the merits of its one particular subject, public and clear notice of which should be given in its title. This wholesome direction of the fundamental law should be strictly followed.

The bill before me makes important changes in the part of the law which it amends. It extends the provisions of the law now affecting only cities of the third class to cities of the fourth and fifth classes. Those provisions related to the authority of the cities to grade, pave, macadamize and curb its streets, lanes, or alleys, to levy and collect from the citizens the cost and expenses for such improvements, and to assess benefits as well as damages for injuries to property caused thereby. The bill before me amends this section by vesting in these cities the same authority to regrade, repave, or remacadamize streets, lanes, or alleys already opened. This is a most vital and important change in the law of such questionable propriety that it is doubtful if I would approve of the bill upon its merits. But this matter it is now unnecessary to discuss, as the glaring constitutional defect in the title is a paramount objection; that of itself obliges me to withhold my signature to the bill.

ROBT. E. PATTISON.



Veto of "An Act to Repeal the Third Section of 'A Supplement to the Act to Incorporate the Bedford Mineral Springs Association,' Authorizing Said Company to Construct and Keep in Repair a Road from Bedford to the Mineral Springs and to Apply to the Construction and Repair of Said Road the Road Taxes Annually Assessed on the Property of the Company."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 22, 1883.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, House bill No. 392, entitled "An act to repeal the third section of an act approved the 20th day of March, A. D. 1857, entitled 'A supplement to the act to incorporate the Bedford Mineral Springs Association, approved the 17th day of March, 1855, authorizing said company to construct and keep in repair a road from Bedford to the mineral springs, and to apply to the construction and repair of said road the road-taxes annually assessed on the property of the company.'"

Section seven of article three of the Constitution provides that no local or special law shall be passed "creating corporations, or amending, renewing, or extending the charters thereof." No purpose in the Constitution is more clearly defined than that to strip from the Assembly the power to legislate specially for corporations, either by creating them, or renewing, extending, or amending the charters of any already existing. The abuses that had grown up by the exercise of such power in past legislatures, and the reproach that had been brought thereby upon the law-making power, influenced the framers of the Con-



stitution of 1871 to make like scandals in the future impossible, by taking away from the General Assembly all such authority. It is true that section ten of article sixteen of the Constitution provides that the General Assembly shall have the power to alter, revoke, or annul any charter of incorporation." But this power lodged in the Assembly is a hostile one, to be exercised against corporations and not in their favor; to be used in diminishing or entirely abrogating their franchises, and not in relieving them of restrictions or duties, or in altering or amending their charters for their convenience or behoof. That this construction of that section is the true one, and that the power there given to the General Assembly to "alter" charters is to be used in redogation of the corporate grants, is evident from the further words in the section providing that the Legislature is to exercise their power to so "alter" only whenever in their opinion it (the charter) may be injurious to the citizens of this Commonwealth." In short, this authority over charters was given to the Legislature to be used only in stripping corporations of powers, the possession of which has been found to be to the public detriment. The people in their Constitution were particular to confine the power of their representatives in these matters within clearly marked lines. Certain it is that the clause in article three first referred to, is an absolute prohibition of the passage of special laws amending charters. Equally certain it is that this bill is a special law doing the very thing prohibited in that article. For this reason I withhold my approval. I know nothing of the particular facts in this case, or how desirable in some respects the passage of the bill may be. Nor, indeed, could such considerations possibly avail with the Executive called upon to assert the paramount authority of the Constitution. It is of the first importance that its wholesome provisions be

observed, and its supremacy maintained. No local temporary advantage can compensate for the greater evil of its violation. Hard cases make bad law.

ROBT. E. PATTISON.

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Veto of "An Act for the Relief of Mrs. Nancy McKillips, Mother of James McKillips."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 22, 1883.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 363, entitled "An act for the relief of Mrs. Nancy McKillips, mother of James McKillips."

Nancy McKillips, the beneficiary of this bill, is the mother of James McKillips, who died in the military service of the State in August, 1863. The eighteenth section of article three of the Constitution prohibits the General Assembly from granting charitable relief to any person except for military service. Nancy McKillips, the mother, performed no military service, and cannot, therefore, be placed upon the pension rolls. Uniformly acting upon this construction of the provision of the Constitution referred to, I am obliged to withhold my approval from this bill.

ROBT. E. PATTISON.

Veto of "An Act to Amend 'An Act Relative to the Sheriffs of this Commonwealth,' Increasing Their Compensation for Boarding Prisoners."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 23, 1883.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 19, entitled "An act to amend an act, entitled 'An act relative to the sheriffs of this Commonwealth,' approved the eleventh day of April, one thousand eight hundred and fifty-six, increasing their compensation for boarding prisoners."

This bill increases the compensation to sheriffs for boarding prisoners, except in the counties of Philadelphia and Allegheny, from twenty-five cents to fifty cents per day for each prisoner. The existing compensation seems to have been sufficient since the year 1856 until now. What reason is there for increasing it? The time during which the present law has been in force embraced a period when the cost of living, as of most other things, reached its highest point. In that period, with the high prices prevailing during, and for a long time after, the civil war, twenty-five cents a day was found to be ample compensation for the board of prisoners. What has occurred since then to require this allowance to be doubled? Surely, the cost of provisions has not increased an hundred fold, and least of all, not of the plain fare supplied to prisoners. The inquiries I have made on this subject have satisfied me that the compensation now allowed is full and sufficient; and knowing no good reason for increasing it, I decline to give the bill my approval.

ROBT. E. PATTISON.

Veto of "An Act to Authorize and Empower Councils of Cities, Boroughs and Incorporated Towns, or Villages in this Commonwealth to Provide for the Support of Disabled Firemen."

Executive Department,  
Commonwealth of Pennsylvania,

Office of the Governor,

Harrisburg, June 23, 1883.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 79, entitled "An act to authorize and empower councils of cities, boroughs, and incorporated towns, or villages in this Commonwealth to provide for the support of disabled firemen."

This is a new style of pension bill. It empowers the councils of each city, borough, and incorporated town or village "to pass an ordinance appropriating money for the payment of a pension of eight dollars a month to any member of a fire company who is disabled in the discharge of his duties as a fireman, and, in case of death from injuries so received, to appropriate one hundred dollars to defray his funeral expenses. The bill is loosely and imperfectly drawn, and has many details providing for the proof of injuries by firemen claiming pensions, for the publication every six months of the names of pensioners and the amount paid them, and for the semiannual re-examination of all such pensioners. There is no thought of the humane motives of the persons who conceived this bill, but there is rather a bitter portion mixed in the charitable cup it offers, by the provision requiring the fact that a person is a pensioner on the bounty of a community to be published every six months in the newspapers with his name and the amount of his dole. This, however, involves a question of taste and delicacy only, and no inflexible rule can be established for measuring the charitable propensities of mankind. The bill provides

that the moneys to pay the pensions allowed shall be appropriated by the authorities "out of the moneys raised for city, borough, and town purposes," and shall be paid from the public treasury "out of any money therein and collected by taxes from the taxable property." Herein consists the legal vice of this bill. The Legislature cannot authorize the appropriation of money raised by taxation for public purposes to any such charitable use. The seventh section of the article of the Constitution on "Taxation and Finance" provides that "the General Assembly shall not authorize any county, city, borough, township, or incorporated district \* \* \* to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution, or individual." Here is an express prohibition against the passage of any bill such as this—authorizing money to be appropriated to individuals. That the purpose is a benevolent one is no answer, and will not stay the operation of the Constitutional interdict. The public-spirited citizens may voluntarily exercise their charitable impulses to any extent they please, and, in such matters, generally will, for there are no people, the visible evidences of whose merciful and humane liberality so thickly abound as those of Pennsylvania. Her charities and charitable institutions are among the greatest of her civic glories. The Constitution seems to have been framed in the belief that there was no danger of a decadence of this benevolent spirit among our citizens. It may be said that the fact that the bill provides that it shall only take effect upon a majority of the legal voters adopting its provisions is an answer to the Constitutional prohibition cited. But this is a mistake. Every citizen has the right to claim the protection of the fundamental law, and a majority cannot take away from a minority the security afforded by the law. Tax moneys are sacredly protected by the

Constitution from being appropriated in the manner authorized by this bill, and every man who pays a tax can invoke this protection.

For these reasons I decline to approve the bill.

ROBT. E. PATTISON.

Text of "An Act for the Relief of Theodora Diley, Late the Widow of Thomas Clauger, Who Was a Soldier of the War of One Thousand Eight Hundred and Twelve."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 25, 1882.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 160, entitled "An act for the relief of Theodora Diley, late the widow of Thomas Clauger, who was a soldier of the war of one thousand eight hundred and twelve."

The general pension laws of the State relative to soldiers of the war of 1812 and their widows are liberal and reasonable. They provide that when the widows of such soldiers remarry their pensions shall cease. The wisdom of this restriction has never been called into question. The beneficiary of this bill was the widow of Thomas Clauger, a soldier of the war of 1812. She afterwards married Henry Diley, who has since died, and she is again reduced to be in destitute circumstances. Because of her remarriage she cannot receive a pension under the general laws of the State, and this special bill has been passed to give her charitable relief notwithstanding existing legal restrictions.



I can see no reason for doing this. If the existing pension laws are wise, and good we should enforce them. If they are bad they should be amended. While they remain as they now are, however, I must withhold my approval from any bills evading their just limitations.

ROBT. E. PATTISON.

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Veto of "An Act Relating to Life Insurance and Life Insurance Companies Doing Business in this Commonwealth."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 25, 1883.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 1, entitled "An act relating to life insurance, and life insurance companies doing business in this Commonwealth."

I regret, that I am obliged to withhold my approval from this bill, as some of its enactments are most just and desirable legislation. Some of its sections are intended to protect those insured in life insurance companies from unjust and unreasonable forfeitures of their policies. Its first section provides, that when the share of "dividends, profits, or surplus," due by any company to a policy-holder, shall be sufficient to pay the premiums falling due on his policy, his failure to pay such premiums at the time they are due, shall not work a forfeiture of the policy. In other words, that when a company is in debt to a policy-holder in an amount sufficient to satisfy any premiums due to



the company, it shall not be allowed to exact a forfeiture of the policy for failure to pay the premiums. This is an entirely just and reasonable provision, to which I would gladly give my approval, were I passing upon it alone. Likewise the third section, requiring the company to give ten (10) days' notice to the policyholder of the falling due of the premiums thereon, commends itself to my judgment.

The second section, however, contained provisions so unfair to the insurance companies, and so repugnant to all sense of justice and the unvarying policy of our laws, that I am obliged to withhold my approval of the bill. That section provides, that when two years have elapsed from the time of issuing any policy of insurance, the company shall be thereafter estopped from setting up as a defense to its payment, the fraud or falsity of any of the answers made by the insured upon the faith of which the policy was issued; but that such answers shall thereafter be "regarded and considered as true." That is to say, if a company does not discover a fraud practiced upon it within two years after issuing a policy, it cannot at any later period avail itself of the proof of such fraud as a defense to the payment of the policy. Is this not setting a premium upon fraud, by declaring that the more adroitly and covertly it is planned and carried out the more sacred it shall be? By this bill, if a fraud is so stupidly and blunderingly executed that it can be detected in two years, then it can avail its perpetrators nothing. If, however, it be concocted so craftily and hidden so ingeniously as to prevent discovery for a longer time than two years, then it becomes inviolable, and nothing can prevent the wrong doer from gathering the fruits of his wrong. The bill is beneficial to policyholders, just in proportion to their ability to successfully accomplish fraud. The greater the fraud the greater the protection, seems to be the

principle upon which this measure proceeds. The maxim of the law always has been that fraud vitiates everything it touches. This maxim is all pervading, and has been cut so deep into the tables of the law of all civilized communities, that the tides of change have not yet been able to efface it. This governing principle of our jurisprudence, the bill before me would completely subvert. It would give to wrong doing the impervious shields of a statute, and to fraud, a standing-room in our courts in advance of the victim of its practices. By this bill, a holder of a policy of insurance obtained by false answers and fraudulent statements may have the aid and processes of our courts to compel its payment by the company defrauded; but the mouth of the company is closed, and the court is directed not to listen to its defense when it offers to prove the imposition and wrong practiced upon it. The bill enacts that, after two years from the time of issuing a policy, the false and fraudulent answers upon which it was founded "shall be regarded and considered true." That is, the law makes them then judicially true and stamps them with its irreversible sanction. Such a bill, creating a statute of limitations in favor of fraud, is so at variance with all our ideas of right and such a wide departure from the principles of our jurisprudence, that I refuse to give it validity by my approval. Every honest holder of a policy of insurance would be prejudiced by the bill for his security, would be injuriously affected, just to the extent the door would be opened to allow dishonest men to successfully impose upon the company. It is desirable to protect honest policy-holders from unreasonable forfeitures; but it is much more to their interest to protect the companies in which they are insured from being exposed as a defenseless prey to the designs of falsehood and fraud.

ROBT. E. PATTISON.

Veto of "An Act Authorizing the Improvement of Streets in Cities of the Second Class and Describing the Manner of Assessing the Costs of Said Improvements."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 26, 1883.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 307, entitled "An act authorizing the improvement of streets in cities of the second class and describing the manner of assessing the costs of said improvements."

Though general in its terms, this bill, if it should become a law, would apply only to the city of Pittsburgh. Such is the effect of the various acts of Assembly dividing cities into classes that Pittsburgh or Philadelphia may be as specially and particularly legislated for, and their affairs as specifically regulated, as though the Constitutional prohibition of such local and special legislation did not exist. The use of the words "cities of the second class," therefore, in the bill before me is a mere tribute to the letter of the law under cover of which the spirit and intent of the Constitution is deliberately violated. A decision of the Supreme Court prevents my saying that such a bill is for that reason unconstitutional, but that decision does not prevent our taking cognizance of the actual facts and not being deceived as to the real effect of a measure by the use of a legal fiction called "cities of the second class."

This bill, as has been said, effects only the city of Pittsburgh, and for that reason I would feel disposed against it, as I know no reason why, upon the subject of grading, paving, and curbing streets, there should not be a general law for all the large cities of the

Commonwealth. That is a subject matter that cannot be effected by locality, difference in population, or other local causes. This bill gives Pittsburgh a special and peculiar system upon this subject, continues certain existing special laws relating only to that city, and builds upon these laws this so called general act. There are other objections to the bill, however, which are amply sufficient to call for my disapproval.

It authorizes the cost and expenses of the improvements of highways to be assessed upon any property that the board of viewers may determine to have been benefited thereby. That is, the owner of a property upon a side street and not abutting upon that part of the highway improved, may be compelled to pay for the cost and expense of such improvement though he never advised or consented to it or had any opportunity to consent or refuse to consent thereto. This would seem to be the effect of the language of the first section which empowers the authorities "to assess the cost and expenses thereof upon the property benefited thereby." Then, again, I regard the proceedings after assessment as too summary. The bill authorizes the city engineer after the assessments have been approved by the councils to give notice of the fact by publication in the newspapers and the action of the councils is declared to be final and conclusive unless an appeal is filed in court within ten days after the first publication of notice. That is, within three days after the last publication of notice for the whole week during which advertisement of notice is going on is computed as part of the ten days within which an appeal may be filed. This is hurrying a citizen rather rapidly, especially in the assertion of a right guaranteed to him by the Constitution. By section eight of article sixteen it is provided that "the General Assembly is hereby prohibited from depriving any person of

an appeal from any preliminary assessment of damages against any such corporation or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall, on demand of either party, be determined by a jury according to the course of common law." While this bill probably cannot be said to deprive the citizen of his right of appeal, yet it imposes conditions and restrictions upon the exercise of his right that in some cases may amount to a deprivation. He is required to file in court with his petition a statement and specification of each and every objection he may have to the action of the authorities in the premises, to furnish a copy of that specification to the city attorney and the court is directed not to hear or consider any other ground of objection except that contained in the statement filed. But even when the citizen has complied with all these conditions he may not then have his complaint heard, for the fourth section of the bill provides that if, upon such application, the court shall be of opinion that the same should be considered they shall direct the same to be filed. Therefore, if the court should not consider his objections worth considering, he cannot even file his complaint in court but must go unheard and **unredressed**.

Surely, such a bill violates the Constitutional provision above referred to which guarantees to the citizen the right of appeal and of trial by jury if he so desires. This bill takes no cognizance of that right and makes no provision for its enforcement. There are other most summary powers given to the court which it is unnecessary to detail, as for the reasons above given I am obliged to decline to approve the bill.

ROBT. E. PATTISON.

Veto of "An Act in Relation to the Government of  
Cities of the Second Class."Executive Department,  
Commonwealth of Pennsylvania,Office of the Governor,  
Harrisburg, June 26, 1883.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 4, entitled "An act in relation to the government of cities of the second class." This is another local bill, in the form of a general law, effecting only the city of Pittsburg. I have elsewhere stated my objections to such evasions of the spirit of the Constitution. Though those objections, of themselves, might not be sufficient reasons for pronouncing such legislation unconstitutional, yet they make me prompt to seize upon any other defects that will enable me, by withholding my approval, to prevent the fundamental law from being covertly violated.

This bill is intended to give the city of Pittsburg, under the designation of a city of the "second class," a new, distinct and peculiar form of city government.

The vice of the bill is that while it purports to be an entirely new scheme of municipal government, it is not so in fact, but leaves in full force and vigor a number of local and special laws governing the city of Pittsburg, amends some in part, extends and confers the provisions of certain others, and enacts some entirely new laws. The bill is exceedingly objectionable in form, and is full of Constitutional defects. It is not a complete statute in itself. It does not embrace the entire system of municipal government of the city it is intended to effect. That we could only learn by considering this bill in conjunction with a number of other special and independent acts. It confers powers and imposes duties without re-enacting them. For example, it confers the powers of the board



of health upon a department of public safety; it confers the authority of the guardians of the poor upon a department of charities, and the police power of the mayor upon the mayor and five police magistrates, to be appointed by him, without, in any of these instances, reciting and re-enacting the laws, the provisions of which it confers. This is a palpable violation of section six of article three of the Constitution, which provides that so much of any law "as is revived, extended, or conferred shall be re-enacted and published at length."

The bill does not contain any provisions relating to the taxing power and financial concerns of the city—the department of government most needing reformation—all these matters it leaves as heretofore, thus keeping in force the various local and detached laws relating to taxation peculiar to the city of Pittsburg. It is upon this particular subject that some comprehensive general law might have been beneficial; lodging, with careful restrictions, the entire matter of the levying and collection of taxes in one distinct department. As it is, no single body possesses the control of this subject, but it is left to several different authorities. There is considerable diversity of opinion as to the wisdom of this bill among the citizens and journals of Pittsburg, some claiming it to be a good measure, and many others regarding it as fraught with much mischief to the city. With this clash of opinion upon the subject, I have been obliged to exercise my own judgment upon its merits. The Constitutional defects I have pointed out would, of themselves, be sufficient to require me to disapprove of the bill, but it is so narrow and imperfect, possesses so few commendable features, and is of such doubtful wisdom and uncertain effect, that I deem it better to let the affairs of the city of Pittsburg remain as they are, rather than experiment with this measure.



When some well-digested and comprehensive scheme for the government of that city can be agreed upon by the citizens and authorities, I will be glad, if it conforms to the requirements of the fundamental law, to give it validity by my signature.

ROBT. E. PATTISON.

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Veto of "An Act Relating to Schools in Cities of the Second Class, Defining the Powers and Duties of the Directors of Sub-School Districts, and Also of the Officers of such Cities in the Matter of the Assessment and Collection of School Taxes."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 26, 1883.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 27, entitled "An act relating to schools in cities of the second class, defining the powers and duties of the directors of sub-school districts, and also of the officers of such cities in the matter of the assessment and collection of school-taxes."

This is another special bill under the guise of a general law, regulating the affairs of the city of Pittsburgh alone. I disapprove of its entire purpose. It authorizes the boards of directors of sub-school districts to levy a special tax each year, to be used for the purchasing of ground, the erection of school-buildings, the repair and furnishing supplies for school-houses, the salary of janitors, and "for the payment of the interest, and to provide for the ultimate payment of the principal of any debt heretofore contracted, or

which may hereafter be contracted in accordance with law." The school-directors having determined how much money they want to spend, are to notify the city assessor, who is required to assess a tax adequate to raise that amount upon the property of the respective districts. A stated tax of one dollar upon each "resident, taxable," is also authorized. These taxes, for which the directors of the sub-school districts are given power to make requisition in unlimited amount, are directed to be "regarded as part of the taxes of said city," and the city treasurer is required to collect them as other city taxes are collected, and pay them over to the treasurers of the respective districts to be spent by the directors of such districts. The almost unlimited power of taxation here vested in the school-boards, the absence of any control over them by the city authorities, the peremptory warrant they are given to command the city officials to levy and collect taxes at will, are such excessive grants of power to vest in a subordinate body that I cannot give my approval. The whole system here is wrong. The city taxes, for all purposes, should be collected by the general city authorities. The taxing power should be concentrated in one carefully restricted department, responsible to the people at large, under their direct influence, and subject to frequent change by them. Pittsburgh seems to be already sufficiently afflicted with such legislation as this bill contemplates. I observe that by an act passed in 1878, the Central Board of Education and the Board of Guardians of the Poor of that city are given power to make what requisitions they please upon the councils for money, and the councils are absolutely required to levy a tax sufficient to raise the amount demanded and pay it over to these two boards. I will not consent to inflicting another such law upon the people of Pittsburgh. The sooner the people of that city remould their municipal govern-

ment upon the subject of taxation and finance the better it will be for them. If the bill for providing a new scheme of government for that city, which I to-day filed in the proper office, with my objections, had taken this matter into consideration, and provided a general and uniform law upon the subject, it would have contained at least one good feature. The debt-creating and debt-paying power of a city ought to be under the control of a single, well-regulated, popular, and responsible body, and not be broken into disconnected departments acting by piecemeal. There can be no sound financial management where such unbusiness-like methods prevail.

There is a peculiar provision in this bill authorizing the directors of the sub-school districts to levy a tax "for the payment of the interest, and to provide for the ultimate payment of the principal of any debt heretofore contracted." This looks very much like giving authority to those school boards to collect money by taxation to pay for extravagant debts heretofore contracted by them in excess of their appropriations, and, therefore, in violation of law. This may not be the purpose, but how came they to have debts?

Why did they not keep within their income? What power had they to contract any valid debt that they were not able to pay? If they contracted any such debt unlawfully, why should the citizens be now taxed to pay it? Is this retroactive clause intended to make any such debt binding, and to provide for the payment of a deficiency of that kind? Altogether, the bill possesses so many objectionable features that under no circumstances could I give it my approval.

ROBT. E. PATTISON.

Veto of "An Act to Amend An Act Relating to the Organization and Jurisdiction of the Orphans' Court, and to Establish a Separate Orphans' Court in and for Counties Having More Than One Hundred and Fifty Thousand Inhabitants, and to Provide for the Election of Judges Thereof."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 28, 1883.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 241, entitled "An act to amend the fifth section of an act relating to the organization and jurisdiction of the orphans' court, and to establish a separate orphans' court in and for counties having more than one hundred and fifty thousand inhabitants, and to provide for the election of judges thereof, approved May 19, A. D. 1874."

The purpose and effect of this bill cannot be determined or guessed at by reading its title, which is vague, and in my opinion Constitutionally defective. The bill is termed "an act to amend" a certain section of a given act. Only by reading the bill can we learn what the amendment relates to. The act of May 19, 1874, created a separate orphans' court for each of the counties of Philadelphia, Allegheny and Luzerne, and made the register of wills in each of said counties the clerk of the court. It further authorizes the register to appoint assistant clerks, but not exceeding three in the county of Philadelphia, two in the county of Allegheny, and one in the county of Luzerne. It fixed the salary of the first assistant at one thousand eight hundred dollars; of the second assistant at one thousand five hundred dollars; and of any other clerks at one thousand two hundred dollars each. This bill amends that act by authorizing the register of wills of each

of said counties to appoint assistant clerks to the number of five in each of the courts, and increases the first assistant clerk's salary from one thousand eight hundred dollars to two thousand dollars, and the second assistant's from one thousand five hundred dollars to one thousand eight hundred dollars. This bill, therefore, authorizes altogether an increase of nine clerkships, and of twelve thousand dollars yearly in salaries, quite an important matter when thus looked at in the gross. But this is not all. The amendment is so worded as to make this increase apply to any other separate orphans' courts created after the passage of the act of 1874, or that may be hereafter created. The Legislature at its regular session this year created a separate orphans' court for Berks county, and from time to time other counties, as they increase in population, will be entitled, under the Constitution, to have separate orphans' courts. Now, as this bill would apply to all these courts, it is impossible to say just how much additional expense it may entail. The register of wills of Philadelphia informs me that he does not need any additional clerks, and has no desire to see the bill become a law. Now, as that is the only county where the increase could possibly be excused or justified, upon the ground of the extent of the business done by the court, and as the proper responsible officer of that court does not urge the bill, under what plea can the other counties demand that it become a law? I decline to approve the bill, therefore, upon the ground that it is extravagant and unnecessary.

ROBT. E. PATTISON.

Veto of "An Act to Authorize and Empower the Chief Burgess and Town Council of Lebanon Borough to Borrow and Appropriate Money to Purchase the Lebanon Hook and Ladder and Liberty Engine Houses in the Borough of Lebanon."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 28, 1883.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 278, entitled "An act to authorize and empower the chief burgess and town council of Lebanon borough to borrow and appropriate money to purchase the Lebanon hook and ladder and Liberty engine houses in the borough of Lebanon."

I cannot conceive the necessity for this strangely worded and carelessly drawn bill, unless it be that the indebtedness of the borough of Lebanon has reached the amount allowed by the Constitution. However this may be, I cannot give the bill my approval, as it is a local law regulating the affairs of the borough of Lebanon, and, therefore, in clear violation of the seventh section of article three of the Constitution, which provides that "no local or special law shall be passed\*\*\*\*\*regulating the affairs of counties, cities, townships, wards, boroughs, or school districts." What could more directly conflict with that prohibition than a bill regulating the appropriation of money, the issuing of bonds, and the levying of taxation for a special purpose by the borough of Lebanon? The clause of article three, above quoted, has no meaning if such a bill as this may be passed.

ROBT. E. PATTISON.



Veto of "An Act to Repeal 'An Act to Authorize and Empower the Receiver of Taxes of the City of Philadelphia to Collect and Receive the Poor Tax Assessed for the Support of the Poor of the Late Township of Roxborough, in the Twenty third Ward of the City of Philadelphia, and Directing How the Same Shall be Paid.'"

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 28, 1883.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 249, entitled "An act to repeal an act entitled 'An act to authorize and empower the receiver of taxes of the city of Philadelphia to collect and receive the poor tax assessed for the support of the poor of the late township of Roxborough, in the Twenty-third ward of the city of Philadelphia, and directing how the same shall be paid,' approved May 16, 1878."

I withhold my approval of this bill because I can see no possible good to be accomplished by the repeal of the act of May 16, 1878. That act brought the collection of the poor tax of what was once the township of Roxborough, under the control of the receiver of taxes of the consolidated city of Philadelphia. As that township no longer exists but is now a part of the city of Philadelphia, and as the other city taxes assessed upon the people of the sometime township are payable to the city receiver, it would seem as though the act of 1878 ought to be a convenience to those citizens, as it makes all their taxes payable at one time, one place, and on one bill. If that act should now be repealed the old law of seventy five years ago would be revived with its separate and independent tax collectors and managers of the poor for the town



ship of Roxborough. Why keep up the fiction of such a township, and the additional officers it might entail when Roxborough has no longer any real political existence? Such "wheels within wheels," would neither conduce in my opinion to the convenience of the citizens or the good management of the city.

The act of consolidation of the city of Philadelphia in cementing its separate and independent districts, and the political divisions of the county into one great municipality, gave to Pennsylvania the pride of possessing the city of most extensive area in the Union. Her greatness will be best promoted by preserving that consolidation in name and effect, and not reverting to the fiction of local divisions with separate governments within her borders.

ROBT. E. PATTISON.

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Veto of "An Act for the Relief of Certain Late Military Officers and Organizations of this Commonwealth."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 28, 1883.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 171, entitled "An act for the relief of certain late military officers and organizations of this Commonwealth."

As this bill does not specify the number and names of the officers and organizations intended to be relieved by it, and the amount of money proposed to be paid to them, and as these facts could easily be ascertained, I would not approve of it because of its vagueness and uncertainty, even if it were otherwise unobjectionable.

Certain companies of the National Guard, having failed to maintain the standard required by the act of June 17, 1878, as to their quota, discipline, &c., and not having received the approval of the Adjutant General, were, in accordance with law, disbanded without receiving the allowance of money they would have been otherwise entitled to. They are now by this bill applicants for the money which the law withheld from them as a penalty for their delinquency. If we are to maintain a National Guard, at an annual expense of several hundred thousand dollars it ought to be an efficient one, and the laws and regulations for its discipline ought to be enforced. This cannot be done and subordination and efficiency cannot be maintained, if after the military authorities have enforced the law by punishing delinquents in the manner prescribed, the Legislature steps in to relieve them, and revise the action of the military board. There is no good reason calling for the passage of this bill. They who join the National Guard, do so voluntarily—there is no compulsion. They assume their duties, and responsibilities with their eyes open, and of their own will. They are maintained at a great expense to the State, and in return they agree to subject themselves to the reasonable rules and discipline prescribed by law for their government. These companies and officers referred to in this bill, having failed to comply with those laws and maintain the discipline of the Guard, were lawfully denied the allowance of money they would otherwise have received. There was no injustice in this. The action of the military authorities was perfectly proper, and there is no reason why they should now be relieved from the penalty they brought upon themselves by their failure to comply with the law.

ROBT. E. PATTISON.

Veto of "A Supplement to 'An Act to Create Poor Districts, to Authorize Purchase of Lands and Erection of Buildings, to Furnish Relief and Give Employment to the Destitute Poor and Paupers in this Commonwealth.' Authorizing Townships to Build Poor Districts."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 29, 1883.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 121, entitled "A supplement to an act entitled 'An act to create poor-districts, to authorize purchase of lands and erection of buildings, to furnish relief and give employment to the destitute poor and paupers in this Commonwealth,' approved June 4, A. D. 1879, authorizing townships to build poor-districts."

The act of June 4, 1879, was a carefully prepared enactment intended to place the care of the poor of each county in the control of the county authorities, to that instead of each township having its own poor-house, there might be one large poor-house for the entire county. This impresses me as wise legislation, for very often much is lost to the cause of charity by want of concentration in the benevolent efforts and means of individuals and communities. There is often a dissipation of money and strength where, instead of one commodious, well provided, and capacious almshouse, each township has a small, poorly-provided, and incomplete poor-house of its own. In these matters, as in many others, effectiveness is promoted by unity of action and resources. This seems to have been the principle that induced the passage of the act of 1879. It took away from the overseers of the poor

of townships and borough, the control of the poor, and placed the whole matter in the hands of the county commissioners, with the charge of the poor of the entire county, as well as the regulation of the poor tax and the control of the other financial affairs necessary for the maintenance of a country poor house. The bill before me, to a great extent, would change all this and restore the old system. It would allow the overseers of the poor of any township, "whenever the county commissioners of any county see proper, from any cause whatever, not to comply with the requirements of the act of 1879," to petition the court to order an election in the township, to determine whether the voters desire a poor house built. The court is then required to order such an election, and upon its being held, and the voters of the township deciding in favor of a poor house, the overseers are authorized to purchase land, erect a building, levy a tax for its maintenance, and issue bonds for the payment of the expense of erection. It is difficult to see how the contingency here provided for, of the county commissioners not complying with the act, could well arise. The act of 1879 provides that upon the petition of two thirds of all the overseers of the county, the court shall submit the question of erecting a poor house to a vote of the people of the county. And, upon their voting in favor thereof, the county commissioners are authorized to erect it accordingly. It is scarcely possible that, after an ascertainment of the wish of the citizens at an election thus held, the county commissioners would refuse to carry out the popular wish. If so, the voters can protect themselves by electing other commissioners who will comply with their wishes. They have the remedy in their own hands, in choosing officers who will properly represent them. Besides, it is to be presumed that the power of the courts could be invoked to compel county commissioners, by proper process,

to perform the duty enjoined upon them by the requirements of the law. I do not see, therefore, any reason sufficiently urgent for disturbing the wise provisions of the act of 1879 by the enactment of a permanent statute, such as this bill.

ROBT. E. PATTISON.

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Veto of "An Act Relating to the Bounty on Wolves,  
in the County of McKean."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 29, 1883.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 574, entitled "An act relating to the bounty on wolves in the county of McKean."

This bill, relating only to McKean county, amends the existing laws by making the bounty on wolves killed in said county "thirty dollars." There is no need of inquiring into the wisdom of the provisions of the bill, for I am obliged to withhold my approval for Constitutional reasons. The bill is a palpable violation of the clause of the Constitution which provides "that the General Assembly shall not pass any local or special laws \* \* \* regulating the affairs of counties, cities, townships, wards, boroughs, or school districts." This being a local law, regulating the affairs of McKean county, it falls within that prohibition, and I decline to give it validity by attaching my signature.

ROBT. E. PATTISON.

Veto of "A Supplement to 'An Act Relating to the Collection of District and Township Debts in the Several Counties of the Commonwealth.' "

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 29, 1883.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 248, entitled "A supplement to an act, entitled 'An act relating to the collection of district and township debts in the several counties of the Commonwealth,' approved the thirty-first day of March, Anno Domini one thousand eight hundred and sixty-four."

I withhold my approval from this bill because I regard its title as constitutionally defective. It is called simply a "supplement" to another act. Such a title is not clear but is vague and uncertain. Bills supplementary or amendatory of existing laws, should, in my opinion to conform to the Constitution, have clearly expressed in their titles some suggestion of the subject of the supplement or amendment. The bill herewith filed is entitled a "supplement;" but is in fact, by the terms of its body, an amendment to the first section of the act of March 31, 1864, relating to district and township debts and taxation. The amendment consists in inserting the word "borough" between the words "district" and "township," so as to extend the application of the section to boroughs, and attaching a further proviso at the end of the section, limiting the amount of the annual tax levy. Of course, in some sense, that which is supplementary to a thing in so far as it changes the original, is an amendment; for addition is "change," quite as much as diminution is—it is alteration. But in matters of legislation, the



word "supplement" obtains a distinct and different meaning from the word "amendment." In legislative parlance, "supplement" to an act, is a separate statute additional to and to be read independent of the original act, but relating to the same subject-matter. An "amendment" is a change in the verbal reading of some part of the original act; it is an alteration incorporated into, and made a part of, the body of the act. When a statute is "amended," it thereafter has a legal existence only in its amended form. There is but one statute. But an act and a supplement to an act are both in force and have each a separate and distinct legal vitality. This distinction between a "supplement" and an "amendment" is well recognized in legislative bodies.

The title to the bill before me, therefore, is not only constitutionally defective in not expressing clearly the subject of the enactment but is also false and misleading in terming the bill a "supplement," whereas, in fact, it is an "amendment" to the act of March 31, 1864. For these reasons I decline to approve the bill.

ROBT. E. PATTISON.

Veto of "An Act to Amend 'A Supplement to "An Act to Provide for the Incorporation and Regulation of Certain Corporations," Reducing the Amount of the Capital Stock of Corporations Desiring the Benefits Thereof.' "

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 3, 1883.

I HEREWITH FILE WITH MY OBJECTIONS thereto, in the office of the Secretary of the Commonwealth, House bill No. 202, entitled "An act to amend section first of an act entitled 'A supplement



to an act entitled "An act to provide for the incorporation and regulation of certain corporations," approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy four, reducing the amount of the capital stock of corporations desiring the benefits thereof."

This bill is so singularly framed that it would be impossible for any one upon reading it from beginning to end, to know its effect, or to what it related. It is entitled an act to amend the first section of an act passed in 1881, supplementary to the general corporation law of 1874. This bill simply recites the part of a sentence in the first section of the act of 1881, which reads "and whose capital stock shall not be less than two hundred and fifty thousand dollars," and amends it so that it shall hereafter read "and whose capital stock shall not be less than one hundred and fifty thousand dollars." Surely, a more obscure and incomprehensible bill could not be passed. If the section of the Constitution requiring so much of a law as is amended to be re-enacted and published at length has any meaning or purpose at all, it was to prohibit just such legislation as this bill attempts. Is it possible that the requirement of the Constitution is met by amending a few words taken out of the body of the sentence, and which, when read alone, have no meaning, connection, or coherence whatever? That is not re-enacting and publishing at length so much of the law as is amended. The Constitution meant that the part of the law, as amended, should be published in extenso in order that the full and connected effect of the amendment might be apparent to the legislators and the public upon reading the bill, and without being obliged to have reference to the original laws. This bill falls very far short of that requirement. The act of 1881 is a long act giving many most important, and, it impresses me, not germane powers to any company

chartered under the general corporation law of 1874 for the insurance of titles to real estate and mortgages whose capital stock is not less than two hundred and fifty thousand dollars. The act of 1881 gives such companies power to receive on deposit, and in trust, estate, real and personal, to act as assignees, guardians, executors, administrators, and receivers, and execute trusts of all descriptions; to become sureties for all sorts of purposes, and to do a great many other things that, it is difficult to see, are at all consistent with the original object of their incorporation as real-estate-title insurance companies. But, however that may be, the act of 1881 is now the law, and I have recited some of its provisions only to show the important effect of the bill before me. That act gives the powers enumerated to companies whose capital is not less than two hundred and fifty thousand dollars. This bill amends the act by making that particular clause read one hundred and fifty thousand dollars. It will thus be seen how, by taking a detached part of a sentence and amending it, most important changes are wrought in the law that it would be impossible even to guess at from reading the amended bill. When laws can be thus reformed by changing a part of a clause, we may have a mass of statutes in themselves senseless, and laws broken into disconnected parts that must all be got together before a complete enactment can be read, we must avoid the necessity for such legal joiner work. For these reasons, therefore, and because I believe the bill not to conform to the Constitutional requirements, I withhold my approval. The bill has a ludicrous provision at the end of it that it shall not apply to cities of the first class. As the bill does not apply to cities of any kind or class, but to certain real-estate-title companies, it is difficult to see the force of this proviso. If the meaning was to except companies whose place of business was located in the city of Philadelphia,

the draftsman of the bill did not succeed in effecting his purpose.

ROBT. E. PATTISON.

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Veto of "An Act Authorizing Incorporated Companies to Determine the Number of Directors of the Same."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 3, 1883.

I HEREWITH FILE, IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 43, entitled "An act authorizing incorporated companies to determine the number of directors of the same."

This bill is a complete transcript of an act approved the tenth day of April, A. D. 1868. That act applied to all incorporated companies existing at that date. This bill would apply to all companies incorporated under special acts of the Legislature since the act of 1868, or under the general corporation law approved the 29th day of April, A. D. 1874. It excepts all such companies, at the pleasure of a majority of their stockholders, from the operation of the general corporation law, so far as it relates to the number of directors that shall hereafter govern their affairs. It makes the maximum number of their directors fifteen, and the minimum number five. The general corporation law prescribes that the directors or trustees of incorporated companies shall not be less than three, and allows any additional number that the stockholders may determine upon. This bill also provides that a majority of the directors and officers of the incorporated com-

panies, covered by its provisions, shall be, and remain, residents of the State of Pennsylvania. The law of 1874 contains no such provision. This bill would not relate to, or affect, any corporation that might be formed after it would become a law. What is the exact purpose of the bill it is difficult to perceive. What particular corporations, or how many of them, are to be affected by its provisions, it is impossible to tell. And why the corporations to which it is intended to apply should be put upon a footing in the particulars named, different from that upon which all corporations hereafter formed under the general corporation laws must stand, I confess I am puzzled to comprehend. The act of 1868, of which this bill is a verbatim copy, applied only to incorporated companies then chartered and existing. This bill would apply to all incorporated companies now chartered and existing, although, meanwhile, companies have been organized under the act of 1874, which have conformed to the requirements of that act in their organization, and some of them may have been organized upon capital furnished by persons not residents of the State, and their affairs may now be under the management and control of a majority of such persons. No excuse for such an interference with their chartered rights has been given, and I do not readily see how a justifiable one can be.

The act of 1874 was framed with great care and in the spirit of the Constitution, which sought to make legislation as to corporations general, and to prohibit the enactment of special laws "creating corporations, or amending, renewing, or extending the charters thereof." It has been already subjected to considerable tinkering, and the amendments made to it have served to confuse the people, and to render its execution more difficult, rather than to clear the way for its easier and more successful working. But to take

out classes of corporations from under its operation, although done under the form of general laws, is calculated to mar its symmetry still more and make "confusion worse confounded."

The construction I have been compelled to put upon this bill is the only one warranted by the words "any corporations chartered or existing under the laws of this State." If it be contended, however, that the bill is meant to apply to companies that may be incorporated hereafter, the mere fact that its construction admits of doubt upon such an important point is sufficient to warrant me in withholding my approval.

ROBT. E. PATTISON.

Veto of "An Act to Repeal 'An Act for the Better and More Impartial Selection of Persons to Serve as Jurors in Each of the Counties of this Commonwealth,' and to Repeal a Supplement Thereto; and to Provide for the Selection of Persons to Serve as Jurors in Each of the Counties of this Commonwealth."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 3, 1883.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 260, entitled "An act to repeal an act entitled 'An act for the better and more impartial selection of persons to serve as jurors in each of the counties of this Commonwealth,' approved the 10th day of April, A. D. 1867; and to repeal a supplement thereto, approved the 18th day of

February, 1871; and to provide for the selection of persons to serve as jurors in each of the counties in this Commonwealth."

I am not convinced that this bill, with its attempted renewal of the act of 1834, would furnish a better mode of selecting jurors than that now in practice. Its purpose is to abolish the office of jury commissioner, and to have jurors selected by the county commissioners. It is doubtful whether the change would be beneficial on the score of economy, for as long as the compensation of the county commissioners is not in the form of a salary, they would get their per diem compensation for this work just as jury commissioners do. From 1834 to 1867 jurors were selected by the sheriff and county commissioners. A change was then made by the enactment of the law of 1867, which established the office of jury commissioner, and provided that each of the qualified electors should vote for one person only as jury commissioner. It gave the selection of the jurors to these two jury commissioners and the president judge of the court. This was thought at the time to be a plan that would insure fairness and impartiality, from the fact that the jury commissioners would be of opposing political proclivities, and from the general confidence in the integrity of the judges. The bill before me proposes to lodge the selection of jurors in the hands of the county commissioners, and only in certain contingencies is the president judge or additional law judge to be called in. I am not convinced that this would be a wise change. Certainly, no loud complaints have been heard against the operation of the present law. I would hesitate, however, if the bill were in proper shape, to set up my individual judgment against the judgment of the Legislature. But the bill is fatally defective in that it is in contravention of section six of article three of the Constitution.



It seeks to revive the act of 1834, by its title, but does not set forth at length what provisions of that act are to be revived and re-enacted.

Section six of the Constitution is in these words: "No law shall be revived, amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended, or conferred, shall be re-enacted and published at lenth.

This is one of the most judicious provisions of the Constitution. It was intended to strip every statute of all obscurity, and to save the people from searching through other statutes for its meaning. In other words, it would compel the law-making power to make every law a law by itself. The importance of observing its provisions strictly cannot be pressed too strongly.

On account of this Constitutional defect, I am compelled to withhold my approval from the bill.

ROBT. E. PATTISON.

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Veto of "An Act in Relation to the Forfeiture of the Charters of Street Railway Companies."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 4, 1883.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 97, entitled "An act in relation to the forfeiture of the charters of street railway companies."

This bill excepts from its operations cities of the first, second, and third classes, and, I am informed, is



intended to affect a passenger railway company of the city of Erie. The bill provides that when the charter of a street passenger railway company requires it to construct branches, and it has failed so to do, but has constructed and operated its main line, the charter of such company shall not be forfeited because of its failure to construct such branches within the time required by law. Except for good reasons, and where the public interests would clearly be served, I am opposed to remitting the forfeitures of charters of corporations. Our railroad laws are very liberal and do not impose the penalty of forfeiture upon corporations except for just cause, and there should always be some equally just and powerful reason for the Legislature intervening to relieve them from the punishment their conduct may have made them liable to. Such strong reasons do not exist in this case. The particular company in the city of Erie, for whose benefit this general law was passed, was chartered, I understand, upwards of fourteen years ago. When the State gave it a corporate existence, it took upon itself the obligation to construct certain branch roads in connection with its main line. The duty to build those branches was imposed for the public benefit, the agreement to build them was a part of the consideration for which the State granted the company its franchises, and the failure to comply with that agreement during all these years is a gross violation of its charter, for which it should be punished. During this time the public has been deprived of a large part of the benefit it expected, and had a right to obtain from the company by the building of the branches; and, because of the exclusive privilege vested in this corporation other capital has been prevented from building and carrying on the work it failed to perform, in accordance with its contract with the State. The citizens who originally invested their money upon the

agreement of the company that it would comply with its legal requirements, and the public that has been deprived of the full benefit of the corporate grant, have all been injured by the bad faith of the railway company in breaking its covenant with the Commonwealth. The indulgence of the State has already, I am informed, been granted a number of times to this derelict company, by extensions of the time within which it was required to comply with the law; but, notwithstanding this, it has continued its flagrant default. Upon such a state of facts, what is there to induce a further indulgence of the law?

Strong protests have come to me from the people of that city against the passage of this bill, and I have heard nothing urged in its favor, except the convenience and benefit of the railway company. As I would not approve of any measure relieving corporations from forfeiture because of mis use or non use of their franchises, except upon the clear ground of great public benefit, this contention between some of the people of Erie and the delinquent corporation, as to the justice of this bill, constrains me to let the law, in the present case, take its course without legislative intervention.

ROBT. E. PATTISON.

Veto of "An Act Relating to the Catching of Fish in the Monongahela River and the Ohio River and its Tributaries Below the City of Pittsburgh."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 5, 1883.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 120, entitled "An act relating to the catching of fish in the Monongahela river and the

Ohio river and its tributaries below the city of Pittsburgh."

This bill makes it lawful, "in the months of April and May in every year, to catch bass, salmon, and pike, with rod, line and hook, and not otherwise, in the Monongahela river, and the Ohio river, and the tributaries of the Ohio river, the Raccoon creek, and the Big Beaver river below Adams' dam, at or near the town of Beaver Falls, in the county of Beaver, between the city of Pittsburgh and the western boundary of the State."

This bill looks very much like local legislation coming within the interdict of the Constitution, contained in article three. However that may be, I am forced to withhold my approval for another reason. I am informed by certain of the fishery commissioners that if the bill were to become a law, it would destroy the bass in the streams named. The propagating season of that fish is during April and May, and as the bill allows them to be caught during those months, its passage would result in the speedy destruction of the bass within the waters coming under the operations of the bill. Under this statement of the fishery commissioners, I cannot give the measure my approval.

ROBT. E. PATTISON.

Veto of "An Act to Authorize the Payment to Edson Hyde, a Soldier in the War for the Suppression of the Rebellion a Gratuity and Annuity, on Account of the Severe Injuries He Received in Both Arms and Left Leg and Injuries to the Left Ear, Causing Total Deafness in Said Ear."

Executive Department,  
Office of the Governor,  
Harrisburg, July 5, 1883.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 139, entitled "An act to authorize the payment to Edson Hyde, a soldier in the war for the suppression of the rebellion, a gratuity and annuity, on account of the severe injuries he received in both arms and left leg, and injuries to the left ear, causing total deafness in said ear." The soldier named in this bill is now in receipt of a pension from the United States Government to the full extent allowed by its laws. His wounds were received whilst he was rendering military service to that government. The custom of the State has been against the duplication of pensions to the same soldier. In the laws granting pensions, enacted by the Legislature, it has been almost, if not altogether, the uniform practice to provide that when the soldiers shall receive a pension from the United States Government, the pension from the State shall cease. Whilst the facts here present a hard case, and awaken my warmest sympathies, I am not willing to sanction a departure from this custom.

ROBT. E. PATTISON.

Veto of "An Act to Place the Public Square in the Borough of Bedford under the Corporate Control, Supervision and Management of the Authorities of Said Borough."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 5, 1883.

**I** HEREWITH FILE, IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, House bill No. 802, entitled "An act to place the public square in the borough of Bedford under the corporate control, supervision, and management of the authorities of said borough."

Section seven of article three of the Constitution, prohibits the General Assembly from passing any local or special laws \* \* \* \* regulating the affairs of counties, cities, townships, wards, boroughs, or school-districts. This bill clearly offends against that provision of the fundamental law. It is both local and special, regulating the affairs of the single borough of Bedford. Moreover, the bill violates another provision of the Constitution. It extends the authority, control, and supervision vested in said borough by existing law over its streets, lanes, alleys, roads, and other public places, to the public square at the crossing of Penn and Julian streets in said borough, without re-enacting such existing laws.

Section six of article three of the Constitution provides that so much of any law "as is revived, amended, or extended, shall be re-enacted and published at length. This provision is violated by the bill herewith filed. For these reasons I withhold my approval.

ROBT. E. PATTISON.

Veto of "An Act Providing for the Establishment of a Scientific Agricultural Experimental Station, and Providing the Means Therefor."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 5, 1883.

I HEREWITH FILE, WITH MY OBJECTION, IN the office of the Secretary of the Commonwealth, Senate bill No. 201, entitled "An act providing for the establishment of a scientific agricultural experimental station, and providing the means therefor."

This bill establishes what it terms the Pennsylvania Agricultural Experiment Station. It locates the said station at and in connection with the Pennsylvania State College, and places it under the direction and control of a board of managers, consisting of the Governor, the president of the State Agricultural Society, the secretary of the State Board of Agriculture, the master of the State Grange of the Patrons of Husbandry, the president and professor of agriculture of the State College, and three other members, to be appointed by the Governor and confirmed by the Senate. This board is authorized to appoint a director, to have the general direction of experiments made, and such other chemists and assistants as may be necessary for carrying on the work of the station. Ten thousand dollars each year for four years is appropriated for the maintenance and support of the station. The purpose of the institution is best stated by setting out the words of the bill in relation to the duties of the managers. They are required to carry on experiments and investigations respecting the nutrition and growth of plants, to analyze all commercial fertilizers offered for sale in this State, on such terms and under such conditions as now are, or hereafter may be, pre-

scribed by law; to test soils, seeds, cattle foods, milk, water, and other agricultural materials and products, and to do all such other things as will secure the objects of such a station, and as the case will allow. The bill also authorizes the said board of managers to recommend to the trustees of the State College the sale of the two experimental farms conducted by it in the counties of Chester and Indiana. Upon the trustees concurring in the recommendations of the managers, they are authorized, after notice, to sell the said farms at public or private sale, in parts or as a whole. The money realized from such sale is to be paid into the State Treasury, and shall there be held as a special fund, the interest on which, at six per centum per annum, shall be paid by the State Treasurer \* \* \* \* to the said trustees of the State College, to be used by them "in maintaining chemical laboratories and conducting scientific experiments on the experimental farm, located at the State College, and laboratory tests and investigations connected therewith." The fund arising from the sale is inviolably set apart for this purpose.

This bill is objectionable, as having another purpose than that expressed in its title. The title says it is a bill to establish an experiment station; but it does more than this, and provides for the sale of certain farms, and the application of the purchase money for the maintenance of another experimental farm at the State College. I cannot give my approval to the costly enterprise authorized by this bill. The past history of the State Agricultural College is not such as to induce the belief that any practical good ever has or ever will come from it. This bill is a partial attempt to re-establish it upon the Government on an enlarged and more expensive scale. It has been a costly and useless experiment from its beginning.



Its affairs have twice been investigated by committees of the Legislature, and though the majority reports of those committees have fully exculpated the college authorities from any official misconduct, they have demonstrated the absolute uselessness of the institution.

It is not necessary now to go over the result of those investigations, but they disclosed that the State was the fortunate possessor of a college that had more teachers than scholars, and that the yearly expense of educating the pupils was sufficient to have bought each of them a farm for himself, and started them in practical, instead of instructing them in experimental, farming. This College never had the support or confidence of the people. They would not send their children to it, even though the institution has been imploring for pupils and offering most inviting inducements. The farming communities of the State are absolutely indifferent about the existence of this College, and do not believe it of any use. My own observations at the meeting of the State Board of Agriculture since I have become a member of it by virtue of my office, and the information I have gained from conversation with the practical farmers in attendance upon those meetings, convince me that that Board, and not the State College, is the body to which the agricultural classes look with most respect, in which they have most confidence, and from which they have derived most benefit. Now, this bill, while it places the experiment station it establishes under the control of separate managers composed in part of members of the State Board of Agriculture, yet locates the station at and in connection with the College, makes the president and professor of agriculture of that institution managers of the station, and interlaces the affairs of the two concerns in most intimate connection. That is to say, while the bill is, ostensibly by

its title, for the purpose of creating an experiment station, it is really intended to revivify and re-establish the college on a larger basis, and at a present additional expense to the State of at least ten thousand dollars a year. The introduction of the names of other persons into the management of the station tends to distract attention from the real purpose and effect of the bill. The State College would conduct the station, and it would be a part of the college. The latter probably knowing that the Legislature would not give it forty thousand dollars additional to spend, created this "station" with a separate board of managers. By this bill the money raised by the trustees from the sale of their two farms is directed to be paid into the State Treasury. Thus far well, if the bill stopped there. The bill, however, provides as to this money "the interest on which at six per cent. per annum," the State Treasurer shall pay to the trustees of the College; that is to say, the College converts certain of its property into cash and makes the State borrow it at six per cent. Now, as the State can get all the money she wants at four per cent. and sell her bonds at that rate of premium, it is rather remarkable to compel her to borrow her own money from the College, and pay six per cent. therefor.

The bill makes the fund inviolable, and binds the State forever to continue to be a borrower, and pay the College six per cent. The law of Congress creating the fund only provides that the securities in which the money is invested shall not pay less than five per cent. When the State wants to spend any additional money in the interest of agriculture she should do it through the State Board, which I believe to be composed of practical men, and the body to be one which is capable of giving valuable information and suggestion, and largely benefiting the farming community.

ROBT. E. PATTISON.

Veto of "An Act Granting an Appeal to the Supreme Court from Special Injunctions Granted by the Orphans' Court."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 5, 1883.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 228, entitled "An act granting an appeal to the Supreme Court from special injunctions granted by the orphans' court."

I withhold approval of this bill because of its retroactive effect. It allows appeals to be taken to the supreme court from injunctions granted by the orphans' court at any time within two years heretofore or that may hereafter be granted, in the same manner as appeals may be taken from such decrees made by the common pleas court; that is, without affidavit being made or security given by the appellant. It is unnecessary now to discuss the propriety of allowing such appeals from injunctions that may be granted by the orphans' court in the future, for I am unwilling to disturb decrees now permanent and unassailable. Such a bill might re-open estates finally adjudicated, affect vested rights, and subject widows, wards, and orphans to litigation from which they are now secure by lapse of time. In all matters pertaining to property and estates, particularly decedents' estates, ex post facto laws are of dangerous tendency.

ROBT. E. PATTISON.

Veto of An Act Making Appropriations for the Support of the Society of the Home for Friendless Women and Children, of the City of Scranton; An Act Making an Appropriation to the Rosine Home of Philadelphia; An Act Making an Appropriation to the Union Home for Old Ladies, in the City of Philadelphia; An Act Appropriating Five Thousand Dollars for Furnishing and Improving the Meadville City Hospital, in the city of Meadville, Pennsylvania; An Act Appropriating Ten Thousand Dollars for Maintaining, Furnishing and Improving the Hamot Hospital, in the City of Erie, and State of Pennsylvania, and An Act Making an Appropriation to the Pittsburg Dispensary.

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 5, 1883.

**I** HEREWITH FILE, WITH MY OBJECTIONS thereto, in the office of the Secretary of the Commonwealth the following bills:

House bill No. 24, entitled "An act making appropriations for the support of the Society of the Home for Friendless Women and Children, of the city of Scranton;" House bill No. 25, entitled "An act making an appropriation to the Rosine Home, of Philadelphia;" House bill No. 301, entitled "An act making an appropriation to the Union Home for Old Ladies in the city of Philadelphia;" House bill No. 407, entitled "An act appropriating five thousand dollars for furnishing and improving the Meadville City Hospital, in the city of Meadville, Pennsylvania;" House bill No. 435, entitled "An act appropriating ten thousand dollars for maintaining, furnishing, and improving the Hamot hospital, in the city of Erie, and State of Pennsylvania;" and House bill No. 539, entitled "An act

making an appropriation to the Pittsburgh Dispensary."

No bills sent to me by the Legislature have caused me so much and such anxious thought as those appropriating the money of the State for charitable purposes. I have withheld final action upon most of them until the last day allowed me by law for their consideration, in order that my conclusions respecting them might at least not be open to the charge of having been hurriedly or rashly formed. Many causes contributed to this solicitude. These bills dispensing the charitable bounty of the State embraced a subject important in itself. It touches emotions and sentiments the most tender and honorable to the human heart—the most worthy when rightly regulated, the most liable to abuse when not subjected to proper restrictions, and exercised upon principles deliberately formed and carefully adhered to. It is a matter of grave moment to the public treasury, for this reason of itself demanding thoughtful action.

The bills sent to me appropriating money for charitable purposes alone, including penitentiaries and all other purposes not purely charitable, amounted in the aggregate to over two millions of dollars. Upon no other bills have I been appealed to so personally, so persistently, so pathetically, and by persons actuated by more disinterested and honorable motives. The distress of particular sections of the State has been presented in a form difficult to resist, and not easily heard without emotion. The possibility of certain institutions being obliged to shut their doors to the public if State aid was not granted, has been repeatedly pressed upon my attention. Each separate locality benefited by these bills has urged its claims with a zeal that indicated a belief that it had a foremost right to favorable consideration.

The importunate character of these appeals, the

knowledge that unless all were granted, I would occasion much local irritation and complaint, and offend many worthy and philanthropic citizens, and the clear necessity devolving upon me to do something to curtail the extraordinary and indiscriminate liberality of the Legislature, that it might not serve as a precedent for the future—all these conflicting considerations between duty and sympathy have caused me much disquietude and anxiety as to the course I should pursue. That many of these bills ought not to be approved, I had no doubt. That some could not be rejected without causing much distress and suffering, I had every reason to believe. That the Legislature had a technical, Constitutional right to pass these bills was equally clear. I, therefore, sought some principle of selection to guide me, that while it asserted the wholesome restrictions of the statute law, and the fact that there must be some limit to the exercise of legislative charity, would, at the same time, occasion as little immediate harm and distress as possible. Too rigid an application of the law, even though strictly justifiable, might at this time produce very harsh results. Whatever conclusions I reached I felt must be based upon some general principle within the scope of which all the bills I disapproved of should fall, as I would be unable to investigate the merits of each particular institution, and approve or veto for reasons peculiar to each.

The institutions to which appropriations have been made are comprised in two general classes—those under the absolute control of the Commonwealth, and those not under such control. The authority for making any appropriation to the last-mentioned class is contained in section seventeen of article three of the Constitution, as follows: “No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth,



other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each house."

While this clause contains an undoubted authorization of appropriations to institutions not under the absolute control of the State, it is also in spirit a restricting clause and demonstrates that while the people, when they adopted their Constitution, did not want to close the door entirely upon the granting of money to private charitable enterprises, yet they intended to place an exceptional Constitutional limitation upon the power of their representatives to make such appropriations of the public money. No other kind of legislation requires a two thirds vote. The excessive caution displayed by the people, therefore, upon this subject in framing their fundamental law indicates that there was some past mischief which they wanted to remedy and prevent in the future. The people must have believed that the power to vote away the public money for purposes of private benevolence was particularly subject to abuse—or they would not have singled it out of the entire list of legislative powers and inserted so unusual and unparalleled a restriction upon its exercise in such a sacred and definitive instrument as the Constitution.

An executive officer, therefore, sworn to obey and support that Constitution, is not open to the charge of being lacking in sentiments of tenderness and humanity when he attempts to exercise, in donating the public funds, at least no greater jealousy and caution than the people themselves have indicated to be their wish upon that subject. Nor has the judicious restriction of the Constitution proven to be unnecessary. Events have shown that it was not an uncalled for limitation upon the legislative power, but that it has scarcely proven itself strong enough for the need for



which it was intended. The appropriations have continued to grow, notwithstanding it, until to-day they exceed in the matter of charities all former years. This condition of affairs is not to be attributed to this Legislature alone. It is the necessary result of the action of preceding Legislatures that have set the custom, established the practice, and engrafted the system upon our laws.

A private charity, once made the recipient of State aid, continues forever after to be an applicant for a continuance of the bounty, urging each time its former grant as a reason for an equal or a greater one again. It becomes a perpetual pensioner. Every institution each year thus favored emboldens some other the next year to appeal to the Legislature for similar help. This is the invariable history of such movements. Thus always does extravagance plead for extravagance, and indulgence generate indulgence. The large sum appropriated this year is, therefore, not a matter which this or any particular Legislature is blamable for. The system is at fault, and all who have helped to build it up are in equal fault. If these bills should all become laws, the next Legislature would be found improving even upon the generous bounty of this and, so from one Legislature to Legislature would the amount keep growing. What is needed is a new system with better guards and wiser regulations. I have determined, so far as I can, not to permit the extravagance to get any greater. I do not know that I shall succeed. I certainly make a decided step in that direction by refusing to approve the bills herewith filed.

The act of Assembly of April 24, 1869, provides that all charitable, reformatory, and correctional institutions, "now receiving, or that may hereafter desire to receive State aid, shall annually give notice to the said general agent of the Board of Public Charities on or before the first Monday in November, in each year,

of the amount of any application for State aid that they may propose to make, and of the several purposes to which such aid, if granted, is to be applied."

"Whenever any institution shall thus give notice of asking for State aid, the general agent shall inquire carefully into the ground of such request, the purpose or purposes for which the aid is asked, the amount which will be required, and into any matters connected therewith, and in the annual report the result of such inquiries shall be given, together with the opinions and conclusions of the board thereon."

I have approved and signed all the bills making appropriations to institutions that have complied with the requirements of the law just cited, and that have been recommended for State aid by the Board of Public Charities. This includes seventeen bills affecting institutions, some of which are exclusively under State control, and some not. After signing these bills, there still remained in my hands seventeen other bills, appropriating, in the aggregate, \$207,500 to institutions, none of which had received the approval of the board. Of these seventeen institutions, five received State aid from the Legislature of 1881, and twelve are new applicants that did not receive aid two years ago. The five that received aid in 1881, are this year given \$78,000; they then received \$69,000. The bills relating to the other twelve new applicants amount to \$129,500. What disposition I should make of these seventeen bills involved me in much doubt, and has given me much anxious thought. At one time, I was disposed to let them become laws by lapse of time without my signature, and place the responsibility for them upon the Legislature, especially as the two-thirds vote required to pass them implied a sufficient vote to carry them over my veto had I received them in time to return to the Assembly, with my objections, during the session.

This suggestion, however, I soon dismissed as being rather an evasion of my own proper duty and responsibility. My next impulse was to disapprove of them all, and in this I would have been fully justified. All these institutions have notoriously refused to obey the requirements of the laws of the State from which they now seek aid. They are in an attitude of contemptuous disobedience to a most wise and reasonable statute. The object of the act of April 24, 1869, is a most judicious one. It requires the institution intending to apply for State aid to make known to the Board of Public Charities the amount it means to ask for, with the purpose to which it will apply the money, if obtained. The agent of the board is then to visit the institution, inspect its affairs, working, and management, determine whether its request is reasonable, examine the officers of the institution under oath, if deemed necessary, and get all the information possible to enable the board to determine and report upon the wisdom and propriety of the Legislature granting the aid requested. This is one of the legitimate functions of the Board of Public Charities, and a thing most necessary to be done if the veriest ordinary business prudence is to guide us in appropriating the public money for such purposes. The Legislature as a whole, or as individuals, cannot visit all these institutions and make the necessary examination and inquiries into their affairs. The Executive cannot do it, and neither has the technical knowledge required for such a task. It must, therefore, be done by the Board of Public Charities, or else not done at all, and the money appropriated upon request without inquiry and without knowledge of the wisdom of granting it or how it will be used after it is granted.

Nobody, then, it seems to me, can question the wisdom, reasonableness and necessity of the act of 1869. Another object, and a judicious one, contemplated by

that act, was to require the institutions to specify the separate purposes to which they intend to apply the money they asked in order that when granted it could be specifically appropriated in particular items to the purposes for which it was asked. Surely, nothing could be more sensible, reasonable, and fair. Every appropriation to a State institution is thus itemized, but all the bills for the institutions now under consideration have their amounts lumped into one appropriation. This is an additional evil resulting from a failure to follow the act of 1869. I am advised that at least two State institutions have used certain items of appropriation for other purposes than those for which the money was set apart by the bills, as passed. This is a legal misuse of the money. It is notably true of one organization that diverted certain money appropriated for furniture and maintenance, and used it for building purposes. Such a clear violation of law is not to be tolerated, and, if continued, I will adopt such a course as will punish it and prevent a repetition in the future. This shows the necessity for guarding the expenditures by bills containing carefully detailed items. All these seventeen institutions referred to saw fit to ignore, and decline to obey, the law, and they have legally forfeited any claim to aid from the State. I might have, therefore, justly declined to approve of their bills. This, however, I was not willing to do at this time. Some of them are worthy institutions of long standing. Some new and praiseworthy enterprises. I determined, therefore, to relax the rigor of the law for the present in those cases where I thought aid was most urgent, and maintain where I thought the least harm would follow. Acting upon this principle, I have signed all the bills for institutions heretofore receiving State aid, as relying upon the precedent of their former successful applications, they may have made contracts or assumed charitable

obligations, to be obliged to abandon which now, might result in serious distress by requiring the exclusion of many suffering or needy patients. The enterprises of some of these institutions also being in an incompleated state it would seem like a loss and waste of previous appropriations to deny the money now necessary for their completion.

I have also signed all bills for institutions whose object is exclusively the care and education of friendless and destitute children: adult friendlessness and poverty is sad and pitiable enough, and its relief appeals strongly to every sentiment of charity and humanity. But the State has a particular stake in rescuing from temptation and its temptations to crime, the young lives that through no fault of theirs are exposed to misery and sin. They present the possibility of good citizenship if educated and nurtured in the ways of virtue and industry, or of incalculable evil to the State if permitted to grow up in vice and ignorance. With them it is not so much present suffering that is to be relieved, but future evil that is to be averted and good accomplished. All the bills, therefore, relating to institutions exclusively for the care and maintenance of children I have signed. In passing upon these bills, I have also had occasion to consider the injunction contained in the tenth article of the Constitution, requiring the General Assembly to make provisions for the support of an efficient system of public schools: "Where all the children of this Commonwealth above the age of six years may be educated." With inadequate and overcrowded public schools, the appropriations to these homes for friendless children may, for the present, be treated as a temporary legislative expedient for supplying the education required by the tenth article of the Constitution. I have also approved the appropriations for hospitals in those regions of the State where large numbers of laboring

people are engaged in industries of a particularly hazardous and dangerous nature: where accidents of the most distressing character are of frequent occurrence, and sometimes so extensive in their results as to make the ordinary appliances for the care of the wounded inadequate, and where provisions for such sudden calamities must constantly be maintained that the most shocking and heartrending misery may be alleviated. Our great iron and coal mining centers are specially subject to these accidents. The large number of laborers there working within a small area, under circumstances of constant imminent peril, and their want of means to provide the skillful treatment and attention to the peculiar nature of the injuries they may receive requires, make it imperative that some adequate hospital provision be always in readiness for possible emergencies. The appropriations looking to this end I have signed.

All the other bills, six in number, and appropriating \$50,000 dollars, I herewith return without my approval. None of the institutions to which they apply have ever received State aid, and are not, therefore, deprived of any of their accustomed sources of income. The only charitable appropriations about which I felt I had any discretion, were the seventeen bills mentioned, amounting to \$207,500. I hereby disapprove of six of those bills amounting to \$50,000—or about one-fourth of the amount of debatable appropriations. As to many of the bills I have signed, I do not desire my action thereon to be taken as a precedent as to what I may do in the future. Only a disposition to prevent evils unprovided against has impelled me to approve many of these bills. I take the precaution, by this rather lengthy paper, to give timely notice that hereafter I shall insist in all appropriations of money upon a strict compliance with the law. Institutions desiring State aid will have to seek it



through the channels pointed out by the law. The Board of Public Charities, I hope, under its new organization, will prove a most efficient instrument to this end. Thus early advised of what will be expected in the future, the charitable institutions will have no reason to complain of the results of their failure to observe the law. A well regulated, carefully directed, and judiciously administered system of public charities is a blessing and honor to a State, but a careless, undeliberate, and unrestricted distribution of alms is unsatisfactory in its returns and often promotive of positive evil.

ROBT. E. PATTISON.

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Disapproval of Certain Items of An Act, Entitled  
"An Act to Provide for the Ordinary Expenses of  
the Executive, Judicial and Legislative Depart-  
ments of the Commonwealth, Interest on the Public  
Debt, and for the Support of the Common Schools  
for the Years Anno Domini One Thousand Eight  
Hundred and Eighty-three and One Thousand  
Eight Hundred and Eighty-four."

By the authority of the Constitution giving the Governor the right to disapprove of any item of an appropriation bill, the following items of the above bill are disapproved:

Section 5. I disapprove of the item of section five appropriating thirty-two hundred and fifty dollars for the pay of the chief clerk, reading clerk, journal clerk, and message clerk of the Senate pro rata, "according to their respective salaries," for the time the Legislature was in session over one hundred days. The act of May 11, 1874, fixed the compensation of each of the



above officers as follows: Chief clerk twenty-five hundred dollars "per annum;" reading and journal clerks fifteen hundred dollars "per annum;" message clerk one thousand dollars "per annum." "and this," the act provides, "shall cover all services rendered by them at regular or adjourned sessions and during the recess." The act also expressly provides that "no greater or other compensation or allowance than that provided by this act shall be voted by either house to any officer thereof for services performed at any session, excepting fireman and engineer, who shall each receive three dollars per day for every day necessarily employed under the direction of the chief clerk during the recess."

The item hereby disapproved is a most glaring attempt to increase the salaries of these officers over fifty per cent. in plain violation of the Constitution and laws. That they are salaried officers is recognized by this bill, which, therefore, is not intended to, and could not, repeal the act of 1874 fixing these salaries, which act expressly provides that the annual compensation it fixed should be for all services performed by these clerks during the session. The Constitution prohibits any law increasing or diminishing the salary or emoluments of any public officer after his election or appointment, or the passage of any bill "giving extra compensation to any public officer, servant, employe, agent, or contractor after services shall have been rendered or contract made." These officers were appointed to their places and accepted them at a known and fixed salary "per annum." It is idle to further discuss the question that any attempt to give them a greater compensation than their fixed and accepted salaries is a flagrant violation of law.

For the same reason I disapprove of the next item of this section, giving to the other officers and employes of the Senate, except those included in the former item.

a pro rata compensation according to their respective salaries for each day the Legislature was in session over one hundred days. These officers and employes all receive a salary fixed at a definite amount for each regular session. The same act that fixes their salaries prohibits the Legislature from giving them any additional compensation for any services they may perform at the regular session. It is true that the salaries of these employes is for the session and not per annum as those of some of the officers are. But this does not obviate the insurmountable legal objection to giving them extra compensation for the time the Legislature was in session over one hundred days. Whether the Legislature sat one hundred or two hundred days makes no difference. The time they were in session was their "session" and their "regular session," and the regular session was not concluded until they finally adjourned. Now the salary of these officers and employes is fixed at a definite sum for each "regular session," and they cannot be paid any greater sum except by a clear violation of the Constitution and laws. However sympathetically I may feel towards these subordinate employes, I cannot deliberately attach my approval to an item which, I am convinced beyond doubt, gives them more pay than they have any legal right to. It cannot be claimed that there is any hardship in this, for the former Governor placed his protest on record against the effort in the general appropriation bill of 1881 to give such unlawful compensation, and regretted the bill was so framed that he doubted his right to veto a part of an item, thus giving fair warning of the legal objection. This leads me to say that if the Legislature believes the salaries fixed by the act of 1874 are too small, the way to correct the inadequacy is by amending that act or passing a new one. It cannot be repealed or amended by the general appropriation bill.

For the same reasons I disapprove of the item of section five, giving to the Senate chaplain three dollars a day for each day the Legislature was in session over one hundred days. His salary is fixed by the act of April 6, 1876, at three hundred dollars for each regular session, and he is not entitled to receive any greater sum.

Section 6. For the same reason I disapprove of the item in section six, appropriating to the chaplain of the House of Representatives three dollars a day for each day the Legislature was in session, over one hundred days. For the same reason I disapprove of the item in section six, appropriating four thousand two hundred and fifty dollars for "the pay of the chief clerk, resident clerk, reading clerk, journal clerk, and message clerk, pro rata, according to their respective salaries," for every day the Legislature was in session over one hundred days. For the same reason I disapprove of the next item of section six, giving to the officers and employes of the House, whose salaries are fixed by law at a definite sum for the entire session, extra compensation for the days the Legislature was in session exceeding one hundred days.

Section 5. I disapprove of so much of the item in section five as authorizes the payment of mileage or compensation to any returning officers of the Senate who were re-elected to office or elected to some other office in the Legislature, such officers being excluded by the act of May 11, 1874.

Section 6. For the same reason I disapprove of so much of the items in section six as authorizes the payment of compensation and mileage to returning officers of the House of Representatives as would fall within the above objection.

Section 10. I disapprove of section ten, appropriating one thousand dollars each to the chief clerks of the Senate and House for "extra clerical and other ser-

vices devolving upon them during the year 1884." There will be no regular session of the Legislature during the year 1884, these clerks will not be in attendance upon the Houses then, will have no ordinary duties to perform or expenses to entail, and the act of 1874 clearly did not contemplate any compensation being paid to those officers during that year. That act is framed upon the supposition that they will not be in their offices during those years in which there is no regular session, and that they shall only return to their offices in the year in which there is a session. I can imagine no function or duty of the chief clerks during that year, certainly no ordinary expenses that can be included in this bill. At the adjournment of each session they close their accounts, make oath to the same, hand over extra stationery in their possession to the board of commissioners of public buildings and grounds, and are supposed to go to their respective homes until the next session.

Section 9. For the same reason that I disapproved of section ten, I disapprove of the item in section nine, appropriating six hundred dollars each to the chief clerks of the Senate and House for the expenses of their offices during the year 1884. If this item and section ten were allowed there would be appropriated to these two clerks an aggregate of three thousand two hundred dollars for expenses of their offices in a year when the Houses of which they are clerks will not be in session. I know of no "ordinary expenses" of the Legislature requiring this outlay.

Section 33. I disapprove of the item contained in section thirty-three, appropriating for Diller Luther, general agent and secretary of the Board of Public Charities, two thousand dollars, "for balance of salary due him from June 1, 1881, to June 1, 1883," and claimed under section thirteen, article three of the Constitution. I disapprove of this item because it is

not a legitimate subject of appropriation to be embraced in this bill. Section fifteen, of article three, of the Constitution provides that "the general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject." The wisdom of this provision is undoubted and its purpose perfectly clear. It was intended to prevent the general appropriation bill from being made the receptacle for all sorts of "riders," containing appropriations for other purposes than the general expenses of government, and that would not, if standing alone, be likely to receive favorable consideration. In short, it was intended to prevent other appropriations from borrowing strength from and "riding" into validity on the superior necessity and urgency for the passage of the bill supplying the departments of government with the money required for their ordinary expenses. Legislative history had taught that some most extravagant and iniquitous legislation had been enacted by being attached to the general appropriation bill.

To prevent this system of "riders" upon any bills, the Constitution contains some most excellent provisions. The one above cited, as has been said, had in view this object. To this end, also, is the provision that no bill shall contain more than one subject, and that the Executive may veto any distinct item of an appropriation bill. The particular item of this bill which I now disapprove, to my mind clearly falls within the prohibition of the fifteenth section of article three of the Constitution. The back salary of the general agent and secretary of the Board of Public Charities is certainly not one of the "ordinary expenses of the Executive, Legislative and Judicial Departments

of the Commonwealth." The Board of Public Charities is not a branch of either of those departments. This appropriation, therefore, should have been contained in a separate bill. This always has been the custom with the salary of this officer, and this year the appropriation for the next two years to the board of charities is in a separate enactment. Besides this bill is, by its title, one to pay the ordinary expenses of the government for the years 1883 and 1884. This item is for a balance said to be due for the years 1881 and 1882. It is, therefore, improperly in this bill for that reason.

Section 36. I disapprove of this section. It appropriates five hundred dollars to be spent by each of the clerks of the Houses "for such supplies as may be required by the Senate and House of Representatives from the 1st of March, 1883, to the close of the session." There is no necessity for this appropriation. Section eight of this bill appropriates to the chief clerks for the "incidental expenses" of the Legislature "such sums as may be necessary," not exceeding four thousand dollars for the Senate and five thousand dollars for the House. There is also an appropriation in section fourteen of such sums as may be necessary for printing, stationery and fuel furnished under contract to the Legislature. There are several other appropriations for other expenses of the Assembly. Surely, then, the incidental fund of nine thousand dollars is properly chargeable with and will be sufficient to pay for the extra "supplies" contemplated by the section hereby disapproved.

Section 25. I disapprove of the item of section twenty-five which appropriates one thousand dollars each to the offices of State Treasurer, Auditor General and Attorney General for each of the fiscal years 1883 and 1884, making six thousand dollars in all for the payment of postage, express charges, and other incidental



expenses \* \* \* in addition to the amount fixed by the act of May 14, 1874. The act of 1874 fixed the amount allowed and to be appropriated annually to each of the departments for "regular incidental expenses," postage, telegrams, express charges, etc. For the State Treasurer's Department it fixed one thousand dollars annually, for the Auditor General's, two thousand dollars, and for the Attorney General's one thousand dollars. Those sums respectively are appropriated by another part of this bill to each of those departments for the two years covered thereby. This item is an attempt to increase the amount allowed by that act a hundred per cent. for two of those officers and fifty per cent. for the other. As the general appropriation bill can only appropriate money for the payment of the ordinary expenses of the departments and as the act of 1874 fixes the ordinary expenses for the offices named for the purposes covered by this item, any appropriation beyond that amount, if lawful at all, cannot be included in this bill. That act stands as the law upon the various subjects to which it relates, and until it is repealed or modified, is binding upon the departments—legislative and executive. Neither that act nor any other law can be repealed, supplemented or amended by the general appropriation bill. That bill, to repeat the language of the Constitution, "can embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the Commonwealth, interest on the public debt and for public schools."

Section 37. I disapprove of section thirty-seven appropriating nineteen hundred dollars to Aaron K. Dunkle, late Secretary of Internal Affairs, to reimburse him for amount paid by him for furniture and repairs in his department in the year 1880. I veto this item for the same reason that I disapprove of section



twenty-five. It is not an ordinary expense of the department. If the late Secretary furnished and repaired his office at his own expense, and without the same being authorized by law and an appropriation made therefor, he did so voluntarily and for his own convenience. That cost cannot be charged to the ordinary expenses of the Secretary of Internal Affairs' office and included in this bill. If the Legislature wishes to buy that furniture from the late official and reimburse him for the cost of the repairs he voluntarily expended, it must do so by a separate bill.

Section 9. I disapprove of the item of section nine appropriating to the resident clerk of the House of Representatives for postage, labor, express charges, and other expenses for the year 1884, sixteen hundred dollars, and to the Senate Librarian for the same purposes and the same year twelve hundred dollars. There are no duties attaching to their offices in that year, when the Legislature will not be in session, calling for such an expenditure. There are no reasons set out in the bill justifying the expense, and I know of none.

The fact that the librarian of the Senate is made the custodian and distributor of the supplies for the Legislature and departments, does not call for his expending twelve hundred dollars in the year 1884. Both he and the resident clerk are given fixed annual salaries for the years when the Assembly is in session, and the law did not deem that they were entitled to or should receive any compensation for years when it was not in session.

I also disapprove of the item in this section giving the Senate librarian eighteen hundred dollars for the recess ending December 31, 1883. This seems to have been put into the bill at some late stage by amendment, being inserted above that part of section nine which required the librarian to place seventy-five cop-

ies of the Legislative Record at the public bindery, to be bound for the use of the Senate and certain officers. Eighteen hundred dollars is a large sum to give the librarian for placing in or carrying to the public bindery seventy-five books. This is a part of his duties for which he is paid a yearly salary, and he is given twelve hundred dollars additional to pay for labor and express charges, which will cover any cost of shipment of these books to Senators and others.

Section 11. I disapprove of section eleven, which appropriates to the resident clerk of the House of Representatives and the librarian of the Senate each eighteen hundred dollars for "clerical and other services which may devolve upon them during the year 1884." They have no services to perform in that year entitling them to so extravagant a salary as eighteen hundred dollars, and it is not possible for me to imagine any that "may devolve" upon them. This bill appropriates altogether to the two chief clerks and the resident clerk and librarian nine thousand six hundred dollars for services and expenses in a year when there will be no regular session of the Legislature, and for the entire recess from the adjournment of the Legislature this year until its re-assembling in the year 1885, sixteen thousand dollars. The various methods by which this sum is distributed throughout this bill under various designations, such as "expenses," "labor," "services," "express-charges," etc., is very puzzling and mysterious. I am unable to comprehend how any such sum can be needed or properly used in a period when no session is being held. I have, therefore, disapproved of all such items for the year 1884, when these four officers are not required to be in attendance upon the Legislature, and when the law says they shall receive no salary. Their salaries for this year, with a reasonable amount for expenses, I have permitted to stand. The practice, under various forms of words,

of making these officers perpetual, at large compensation and great expense, has in the past grown into a regular system. I feel disposed to see if it cannot be safely abandoned. Any trifling necessary service that they may have been accustomed to perform in the past, during years when there was no session can, I think, easily and at very little expense, be performed in other ways by those within the line of whose duties such services would legitimately fall.

Section 17. I disapprove of the item in this section appropriating twenty-six hundred and thirty-five dollars and forty-six cents to pay the deficiency for the years 1881 and 1882, created by the Commissioners of Public Buildings and Grounds. I do not know how this deficiency was caused, or how necessary or legitimate the expenditure was, nor is it necessary now to inquire whether the State can or ought properly to be charged with its payment. I disapprove of it because this bill is entitled "An act to provide for the payment of the ordinary expenses of the executive, legislative, and judicial departments, etc., for the years 1883 and 1884." This is not an ordinary expense of those departments for either of those years, but a deficiency for the two former years, and, therefore, is unlawfully put in this bill. If it should be paid at all, it should be embraced in a separate bill.

Section 18. I disapprove of the item in section eighteen, appropriating fifteen hundred dollars for a new board-walk in the capitol grounds. The Commissioners of Public Grounds and Buildings are given seven thousand dollars a year for 1883 and 1884 for repairing and keeping in order the grounds and buildings, and I am convinced, after consultation and inquiry, that that contingent fund will be sufficient to lay a new walk and all other necessary expenses. Besides, these commissioners may determine that some other kind of a walk than a plank one would be the most

lasting and economical. This item would commit them to a board structure.

In approving of the remaining items of this bill, I wish to say that as to a number of them I have some doubt as to whether they are subjects that can legitimately be embraced in this bill, but not being entirely sure of that fact, I have chosen to let them become the law. The position I have taken upon certain of the other parts of the bill, however, will, I hope, relieve me in the future from the unpleasant task of disapproving of so many items. I shall rigidly maintain the provision of the Constitution as to any succeeding general appropriation bill that may be sent to me, both because I believe it to be my sworn duty, and because I regard the provision as eminently wise and proper. The Legislature, I believe, will assist me in that endeavor, by scrupulously avoiding the inserting in such bill of any doubtful items.

ROBT. E. PATTISON

Proclamation of the Organization of the Committee on Lunacy.

Pennsylvania, ss.

[Signed] Robt. E. Pattison.



Commonwealth.

IN THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. ROBERT E. PATTISON, Governor of the said

A PROCLAMATION.



Whereas, It is provided in and by the Fortieth Section of the act of the General Assembly of this Commonwealth entitled "An Act relative to the control and supervision of hospitals or houses in which the insane are placed for treatment or detention," approved the

Eighth day of May, A. D. 1883, that "This act shall for all purposes except the appointment and organization of the Central board, go into operation thirty days after a proclamation shall have been issued by the Governor announcing the organization of the committee on lunacy.

And whereas, It has been properly certified to me, that the Committee on Lunacy provided for by the Third Section of the above recited act of the General Assembly, has been duly appointed by the Board of Public Charities, to consist of the following named persons: Philip C. Garrett, Henry M. Hoyt, Thomas G. Morton, M. D., E. Coppee Mitchell, and W. W. H. Davis, and that said committee met in the city of Philadelphia, on Monday the thirtieth day of July, A. D. 1883, and organized according to law.

Now Therefore, as required by the said Fortieth Section of the act of the General Assembly above recited. I, ROBERT E. PATTISON, Governor as afore-said, Do issue this my Proclamation, hereby announcing that the Committee on Lunacy, provided for by the Third Section of said act, consisting of the said Philip C. Garrett, Esquire, Hon. Henry M. Hoyt, Thomas G. Morton, M. D., E. Coppee Mitchell, Esquire, and Genl. W. W. H. Davis, has been duly organized as required by the above recited act of the General Assembly.

Given under my Hand and the Great Seal of the State, at Harrisburg, this Twentieth day of August, in the year of our Lord one thousand eight hundred and eighty-three, and of the Commonwealth the one hundred and eighth.

By the Governor.

W. S. Stenger,

Secretary of the Commonwealth.

Proclamation of a Day of Thanksgiving. 1883.

Pennsylvania, ss.

[Signed] Robt. E. Pattison.



**I**N THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. ROBERT E. PATTISON, Governor of the said Commonwealth.

#### THANKSGIVING PROCLAMATION.



It is fitting that a people should pause amidst the enjoyments of prosperity to gratefully acknowledge the Divine Author of their blessings.

Now Therefore, I, ROBERT E. PATTISON, Governor of the Commonwealth of Pennsylvania, Do recommend Thursday, the Twenty-ninth day of November, A. D. one thousand eight hundred and eighty-three as a day of Thanksgiving and Prayer.

During the past year our State and common country have been marvellously exempted from calamity. We have continued to preserve relations of concord with all communities of men. No part of our people has been seriously afflicted with disaster. Our industries have thriven, and our harvests been bountiful. The toil of the laborer has not been in vain, and the rewards of thrift are everywhere manifest. Tumult and dissensions have been averted; quiet has dwelt with plenty, and our Republic of States has continued to live in the undiminished affections of the people.

Conscience and reason alike teaches that these blessings have not resulted from chance, but are due to the merciful goodness of the Supreme God of the Universe. That they may be our continuing heritage we should manifest a grateful spirit of thanksgiving to their gracious Giver.



To praise for past blessings we should, also, add devout entreaty for their continuance, and the amelioration of the lot of those whom misfortune and poverty oppress. The destitute, the unemployed and the stricken should have remembrance in our prayers.

In conformity therefore with the uniform custom sanctioned by the religious sense of our States to appoint general days of Thanksgiving and Prayer, I issue this proclamation.

Given under my hand and the Great Seal of the Commonwealth at Harrisburg, this Ninth day of November, in the year of our Lord One thousand eight hundred and eighty-three, and of the Commonwealth the One hundred and eighth.

By the Governor.

W. S. Stenger,  
Secretary of the Commonwealth.

Proclamation of the Cancellation of Five Hundred and Six Thousand Three Hundred Dollars of the Principal Debt of the Commonwealth through the Sinking Fund.

Pennsylvania, ss.



IN THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. ROBERT E. PATTISON, Governor of the said Commonwealth.

#### A PROCLAMATION.



Whereas, by the third section of an act of the General Assembly of this Commonwealth, entitled "An act to establish a Sinking Fund for the payment of the public debt," approved the second day of April, Anno Domini one thousand eight hundred and sixty-eight,



it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the Sinking Fund created by the said first recited act of the General Assembly, to report and certify to the Governor annually the amount received under the said act, the amount of interest paid and the amount of the debt of the Commonwealth redeemed and held by them, whereupon the Governor shall issue his proclamation stating the fact and the extinguishment and final discharge of so much of the principal of said debt.

And whereas, W. S. Stenger, John A. Lemon, and S. M. Baily, Commissioners of the Sinking Fund, in obedience to the requirements of the said enactments, report and certify to me that the amount of the debt of the Commonwealth redeemed and held by them for the financial year ending on the 30th day of November, Anno Domini one thousand eight hundred and eighty-three, is Five hundred and six thousand three hundred dollars (\$506,300), made up as follows:

3 per cent. bonds redeemed, .....	\$10,000 00
3½ per cent. bonds redeemed, .....	108,000 00
4 per cent. bonds redeemed, .....	212,000 00
5 per cent. bonds redeemed, .....	82,300 00
6 per cent. bonds redeemed, .....	94,000 00

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Total amount redeemed, .....	\$506,300 00
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Now therefore, I, ROBERT E. PATTISON, Governor as aforesaid, in compliance with the third section of the act of the General Assembly first above recited, do issue this my Proclamation hereby declaring the payment, cancellation, extinguishment and final discharge of five hundred and six thousand three hundred dollars (\$506,300) of the principal of the public debt of this Commonwealth, made up as hereinbefore recited.

Given under my Hand and the Great Seal of the

State, at Harrisburg, this twenty-ninth day of December, in the year of our Lord one thousand eight hundred and eighty-three, and of the Commonwealth the one hundred and eighth.

ROBT. E. PATTISON,  
Governor.

By the Governor.

W. S. Stenger,  
Secretary of the Commonwealth.

Proclamation of the Election of William Livsey as State Treasurer, and Jerome B. Niles as Auditor General.

Pennsylvania, ss.

[Signed] Robt. E. Pattison.



IN THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. ROBERT E. PATTISON, Governor of the said Commonwealth.

#### A PROCLAMATION.

Whereas, An act of the General Assembly of this Commonwealth, entitled "An Act to provide for the receiving, opening and publishing of the returns of the election for State Treasurer, and of the Auditor General when elected at the same election," approved the ninth day of May, Anno Domini one thousand eight hundred and seventy-nine, provides that whenever the Legislature shall not be assembled, and a State Treasurer or Auditor General shall have been elected at the preceding annual election, the Governor, the President Judge of



the Twelfth Judicial District, the President pro tem. of the Senate, the Speaker of the House of Representatives, four members of the Senate and six members of the House of Representatives, shall meet in the Senate Chamber, at Harrisburg, at twelve o'clock noon, on the third Tuesday of January succeeding each election of a State Treasurer or Auditor General, and they or a majority of them being so convened, shall proceed to open, compute and publish the returns of the election for State Treasurer and Auditor General, and shall file in the office of the Secretary of the Commonwealth, a certificate signed by each of them setting forth the aggregate number of votes received by each person voted for at such election; the Governor shall, within ten days thereafter, declare by proclamation the name of the person elected to each of said offices.

And Whereas, The persons composing the Commission to open, compute and publish the returns of the late General Election for State Treasurer and Auditor General, have filed in the Office of the Secretary of the Commonwealth the certificate provided for in the above-recited act of the General Assembly, showing that William Livsey received the greatest number of votes of the persons voted for at said election to fill the office of State Treasurer, and that Jerome B. Niles received the greatest number of votes of the persons voted for at said election to fill the office of Auditor General;

Now, therefore, I, ROBERT E. PATTISON, Governor as aforesaid, in conformity with the provisions of the aforesaid act of the General Assembly, do issue this my Proclamation hereby declaring that William Livsey was elected to the office of State Treasurer and that Jerome B. Niles was elected to the office of Auditor General, at the General Election held on the sixth day of November, Anno Domini one thousand

eight hundred and eighty-three, they having received the greatest number of votes of the persons voted for to fill the said office at said election.

Given under my Hand and the Great Seal of the State, at Harrisburg, this twenty-second day of January, in the year of our Lord one thousand eight hundred and eighty-four, and of the Commonwealth the one hundred and eighth.

ROBT. E. PATTISON,  
Governor.

By the Governor.

W. S. Stenger,  
Secretary of the Commonwealth.

Proclamation of a Day of Thanksgiving. 1884.  
Pennsylvania, ss.



IN THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. ROBERT E. PATTISON, Governor of the said Commonwealth.

#### THANKSGIVING PROCLAMATION.



Our most humble and heartfelt thanksgivings and praise are due to Almighty God for his gracious goodness and great loving kindness to us and to all men.

In the midst of His judgment, He has remembered mercy.

He has saved us from the pestilence that walketh in darkness and the destruction that wasteth at noon-day.

He has blessed us with abundant harvests and profound peace.

I, therefore, do hereby appoint Thursday, the twenty-seventh day of the present month as a day of general Thanksgiving, Praise and Prayer;

And I recommend that the people of this Commonwealth abstain from their usual business occupations and pursuits, at their homes and in their respective places of worship, do render thanksgivings and praise to the God of States for his numberless blessings, and that they do further unite in solemn prayer, beseeching Him to preserve us evermore from all perils and to continue His loving kindness to us.

Given under my Hand and the Great Seal of the Commonwealth this tenth day of November in the year of our Lord one thousand eight hundred and eighty-four, and of the Commonwealth the One hundred and ninth.

By the Governor.

ROBT. E. PATTISON.

W. S. Stenger,

Secretary of the Commonwealth.

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Proclamation of the Election of Electors of President  
and Vice President. 1884.

Pennsylvania, ss:



Commonwealth.

IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. ROBERT E. PATTISON. Governor of the said

## A PROCLAMATION.



Whereas, In and by an act of the General Assembly, entitled "An Act relating to the elections of this Commonwealth," approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine, it is made the duty of the Secretary of the Commonwealth, on receiving the returns of the election of the Electors of President and Vice President of the United States, to lay them before the Governor, who shall enumerate and ascertain the number of votes given for each person voted for, and shall thereupon declare by proclamation the names of the persons duly elected.

And whereas, It appears from the returns, so laid before me, by the Secretary of the Commonwealth, of the election held on Tuesday, the fourth day of November, A. D. one thousand eight hundred and eighty-four, that William Lilly, James Dobson, Calvin Wells, Edwin S. Stuart, John Mundell, William J. McLaughlin, Edmund L. Levy, Joseph B. Altemus, Horace A. Beale, Alfred Fackenthal, Isaac McHose, James P. Wickersham, Samuel B. Thatcher, John Seaboldt, Jr., Daniel Edwards, Peter W. Sheaffer, Lane S. Hart, Joseph T. Jennings, Joseph A. Ege, Joseph B. Hileman, Benjamin F. Junkin, Thomas B. Bryson, William P. Duncan, William J. Hitchman, George T. Oliver, Josiah Cohen, Michael Weyand, Charles A. Randall, Cyrus Kitchen and Luman B. Wood received the greatest number of votes of the persons voted for as Electors of President and Vice President of the United States.

Now, therefore, I, Robert E. Pattison, Governor as aforesaid, in obedience to the requirements of the aforesaid act of the General Assembly, do issue this my proclamation, hereby publishing and declaring that the said William Lilly, James Dobson, Calvin Wells, Edwin S. Stuart, John Mundell, William J. McLaugh-

lin, Edmund L. Levy, Joseph B. Altemus, Horace A. Beale, Alfred Fackenthal, Isaac McHose, James P. Wickersham, Samuel B. Thatcher, John Seaboldt, Jr., Daniel Edwards, Peter W. Sheaffer, Lane S. Hart, Joseph T. Jennings, Joseph A. Ege, Joseph B. Hileman, Benjamin F. Junkin, Thomas B. Bryson, William P. Duncan, William J. Hitchman, George T. Oliver, Josiah Cohen, Michael Weyand, Charles A. Randall. Cyrus Kitchen and Luman B. Wood are the persons duly elected Electors of President and Vice President of the United States, to serve at the election in that behalf to be held at the seat of government of this Commonwealth, (being in the city of Harrisburg, in the county of Dauphin,) on the first Wednesday of December next, being the third day of said month, agreeably to the said act of the General Assembly of this Commonwealth and the Constitution and laws of the United States.

Given under my hand and the great seal of the State, at Harrisburg, this seventeenth day of November, in the year of our Lord one thousand eight hundred and eighty-four, and of the Commonwealth the one hundred and ninth.

ROBT. E. PATTISON.

By the Governor:

W. S. Stenger,

Secretary of the Commonwealth.



Proclamation of the Election of Representatives of  
 Pennsylvania in the United States Congress.  
 1884.

Pennsylvania, ss:



Commonwealth.

IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. ROBERT E. PATTISON, Governor of the said

A PROCLAMATION.



Whereas, In and by an Act of the General Assembly, entitled "An Act relating to the elections of this Commonwealth," approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine, it is made the duty of the Governor, on the receipt of the returns of the election of Members of the House of Representatives of the United States by the Secretary of the Commonwealth, to declare by proclamation the names of the persons returned as elected in the respective districts;

And whereas, The returns of the General Election held on Tuesday, the fourth day of November, A. D. 1888, for Representatives of the people of this State in the House of Representatives of the United States for the term of two years from the fourth day of March next, have been received at the office of the Secretary of the Commonwealth, agreeably to the provisions of the above recited Act of the General Assembly, whereby it appears that, in the State at Large, Edwin S. Osborne has been duly elected.

In the First District, composed of the First, Second, Seventh, Twenty-sixth and Thirtieth Wards of the City of Philadelphia, Henry H. Bingham has been duly elected.

In the Second District, composed of the Eighth, Ninth, Tenth, Thirteenth, Fourteenth and Twentieth Wards of the City of Philadelphia and that part of the Seventeenth Ward lying west of Second Street, Charles O'Neill has been duly elected.

In the Third District, composed of the Third, Fourth, Fifth, Sixth, Eleventh, Twelfth and Sixteenth Wards of the City of Philadelphia, Samuel J. Randall has been duly elected.

In the Fourth District, composed of the Fifteenth, Twenty-first, Twenty-fourth, Twenty-seventh, Twenty-eighth and Twenty-ninth Wards, William D. Kelley has been duly elected.

In the Fifth District, composed of the Eighteenth, Nineteenth, Twenty-second, Twenty-third and Twenty-fifth Wards in the City of Philadelphia, and that part of the Seventeenth Ward lying east of Second Street, Alfred C. Harmer, has been duly elected.

In the Sixth District, composed of the Counties of Chester and Delaware, James B. Everhart has been duly elected.

In the Seventh District, composed of the Counties of Montgomery, and all that portion of Bucks County not included in the Tenth District, I. Newton Evans has been duly elected.

In the Eighth District, composed of the County of Berks, Daniel Ermentrout has been duly elected.

In the Ninth District, composed of the County of Lancaster, John A. Hiestand has been duly elected.

In the Tenth District, composed of the Counties of Northampton and Lehigh, and the townships of Durham, Milford, Springfield, Richland, Rockhill, Haycock, Nockamixon and Tinicum, and the borough of Quakertown, in the county of Bucks, William H. Sowden has been duly elected.

In the Eleventh District, composed of the Counties of Columbia, Montour, Carbon, Monroe, Pike and the

Townships of Nescopeck, Black Creek, Sugar Loaf, Butler, Hazel, Foster, Bear Creek, Bucks, Roaring Brook, Salem, Hollenback, Huntingdon, Fairmount, Spring Brook, and that part of the City of Scranton south of Roaring Brook Creek and east of Lackawanna river, and the Boroughs of Dunmore, New Columbus, Goldsboro,' White Haven, Jeddo and Hazleton, John B. Storm has been duly elected.

In the Twelfth District, composed of all that part of Luzerne County not included in the Eleventh District, Joseph A. Scranton has been duly elected.

In the Thirteenth District, composed of the County of Schuylkill, Charles N. Brumm has been duly elected.

In the Fourteenth District, composed of the Counties of Dauphin, Northumberland and Lebanon, Franklin Bound has been duly elected.

In the Fifteenth District, composed of the Counties of Bradford, Susquehanna, Wayne and Wyoming, Frank C. Bunnell has been duly elected.

In the Sixteenth District, composed of the Counties of Tioga, Potter, McKean, Cameron, Lycoming and Sullivan, William W. Brown has been duly elected.

In the Seventeenth District, composed of the Counties of Cambria, Bedford, Blair and Somerset, Jacob M. Campbell has been duly elected.

In the Eighteenth District, composed of the Counties of Franklin, Fulton, Juniata, Huntingdon, Snyder and Perry, Louis E. Atkinson has been duly elected.

In the Nineteenth District, composed of the Counties of York, Adams and Cumberland, William A. Duncan has been duly elected.

In the Twentieth District, composed of the Counties of Union, Clinton, Clearfield, Elk, Mifflin and Centre, Andrew G. Curtin has been duly elected.

In the Twenty-first District, composed of the Counties of Westmoreland, Greene and Fayette, Charles E. Boyle has been duly elected.

In the Twenty-second District, composed of the City of Pittsburg, and the townships of Chartiers, Union, Scott, Stowe, Robinson, Upper and Lower St. Clair, Baldwin, Wilkins, Penn, Snowden, Mifflin and Jefferson, and the boroughs of Mansfield, Chartiers, Brad-docks and West Elizabeth, in the county of Allegheny, James S. Negley has been duly elected.

In the Twenty-third District, composed of all that portion of Allegheny not included in the Twenty-second District, Thomas M. Bayne has been duly elected.

In the Twenty-fourth District, composed of the Counties of Washington, Beaver and Lawrence, Oscar L. Jackson has been duly elected.

In the Twenty-fifth District, composed of the Counties of Clarion, Armstrong, Indiana, Forest and Jefferson, Alexander C. White has been duly elected.

In the Twenty-sixth District, composed of the Counties of Butler, Mercer and Crawford, George W. Fleeger has been duly elected.

In the Twenty-seventh District, composed of the Counties of Erie, Warren and Venango, William L. Scott has been duly elected.

Now, Therefore, I, Robert E. Pattison, Governor as aforesaid, do issue this, my proclamation, hereby publishing and declaring that (Edwin S. Osborne has been returned as duly elected in the State-at-Large, and) Henry H. Bingham, Charles O'Neill, Samuel J. Randall, William D. Kelley, Alfred C. Harmer, James B. Everhart, I. Newton Evans, Daniel Ermentrout, John A. Hiestand, William H. Sowden, John B. Storm, Joseph A. Scranton, Charles N. Brumm, Franklin Bound, Frank C. Bunnell, William W. Brown, Jacob M. Campbell, Louis E. Atkinson, William A. Duncan, Andrew G. Curtin, Charles E. Boyle, James S. Negley, Thomas M. Bayne, Oscar L. Jackson, Alexander C. White, George W. Fleeger and William L. Scott have been returned as duly elected in the several districts

before mentioned as representatives of the people of this State in the House of Representatives of the United States for the term of two years from the fourth day of March next.

Given under my hand and the Great Seal of the State, at Harrisburg, this nineteenth day of November, in the year of our Lord one thousand eight hundred and eighty-four, and of the Commonwealth the one hundred and ninth.

ROBT. E. PATTISON.

By the Governor:

W. S. Stenger,

Secretary of the Commonwealth.

Proclamation of the Cancellation of Six Hundred and Thirty Four Thousand Five Hundred Dollars of the Principal Debt of the Commonwealth through the Sinking Fund.

Pennsylvania, ss:



Commonwealth.

IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. ROBERT E. PATTISON. Governor of the said

#### A PROCLAMATION.



Whereas, by the third section of an act of the General Assembly of this Commonwealth, entitled "An act to establish a Sinking Fund for the payment of the public debt," approved the second day of April, Anno Domini, one thousand eight hundred and fifty-eight, and the supplement thereto, approved the tenth day of April, Anno

Domini one thousand eight hundred and sixty-eight, it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the Sinking Fund, created by the said first recited act of the General Assembly, to report and certify to the Governor annually the amount received under the said act, the amount of interest paid and the amount of the debt of the Commonwealth redeemed and held by them, whereupon the Governor shall issue his proclamation stating the fact and the extinguishment and final discharge of so much of the principal of said debt.

And whereas, W. S. Stenger, J. B. Niles and William Livsey, Commissioners of the Sinking Fund, in obedience to the requirements of the said enactments, report and certify to me that the amount of the debt of the Commonwealth redeemed and held by them for the financial year ending on the 30th day of November, Anno Domini one thousand eight hundred and eighty-four, is six hundred and thirty-four thousand, five hundred dollars (\$634,500.00), made up as follows:

5 per cent. loan of 1877, .....	\$156,400
4 per cent. loan of 1881, .....	97,000
3½ per cent. loan of 1881, .....	121,100
3½ per cent. loan of 1881, 2nd series, .....	104,000
4 per cent. loan of 1881, 2nd series, .....	146,000
6 per cent. loan of 1867, .....	9,900
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Total, .....	\$634,500
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Now, Therefore, I, Robert E. Pattison, Governor as aforesaid, in compliance with the provisions of the above recited act of the General Assembly, do issue this my Proclamation, declaring the payment, cancellation, extinguishment and discharge of six hundred and thirty-four thousand five hundred dollars of the principal of the public debt of the Commonwealth.



Given under my hand and the Great Seal of the State, at Harrisburg, this eighth day of December, in the year of our Lord one thousand eight hundred and eighty-four, and of the Commonwealth the one hundred and ninth.

ROBT. E. PATTISON,  
Governor.

By the Governor:

W. S. Stenger,  
Secretary of the Commonwealth.

Commission of the Commissioners to Determine a Contested Election Case in the Seventeenth Judicial District.

Pennsylvania, ss:

[Signed] Robt. E. Pattison.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. ROBERT E. PATTISON, Governor of the said Commonwealth.

To the Hon. Henry Hice, President Judge of the Thirty-sixth Judicial District of this Commonwealth, composed of the County of Beaver:

Sends Greeting:



Whereas, It appears from the returns filed in the Office of the Secretary of the Commonwealth, that an election was held on the 4th day of November, A. D. 1884, in and for the 17th Judicial District of this Commonwealth, composed of the County of Butler, to which



the County of Lawrence is attached, and that John McMichael and Aaron L. Hazen were elected Law Judges in and for the Said Judicial District.

And Whereas, under the provisions of the Sixth Section of the Act of the General Assembly, approved the 19th day of May, A. D. 1874, entitled "An Act designating the several classes of contested elections in this Commonwealth and providing for the trial thereof," the Attorney General of the Commonwealth has notified me, that two petitions, each signed by more than fifty qualified electors of the County of Butler and of the 17th Judicial District of the Commonwealth, and each accompanied by the Affidavit of more than ten of such petitioners, complaining of an undue election, on the 4th day of November last, for two judges learned in the law for said district, and claiming respectively the election of James Bredin and John M. Greer, as said Judges, have been presented in due form to the said Attorney General.

Now, Therefore, I, Robert E. Pattison, Governor as aforesaid, in accordance with the provisions of the above recited act of the General Assembly Do Hereby Direct you, the said Hon. Henry Hice, President Judge of the 36th Judicial District, composed of the County of Beaver, together with the Hon. James B. Neale, President Judge of the 33rd Judicial District, composed of the County of Armstrong, and the Hon. Samuel S. Mehard, President Judge of the 35th Judicial District, composed of the County of Mercer, being the Three President Judges residing nearest the Court House of the County of Butler, to convene without delay the Court of Common Pleas of said County and proceed to hear and determine the complaint of the said petitions.

Given under my Hand and the Great Seal of the State, at Harrisburg, this Eighth day of December, in the year of our Lord One thousand eight hundred and

Eighty-four, and of the Commonwealth the one hundred and ninth.

By the Governor:

W. S. Stenger,

Secretary of the Commonwealth.

*Note.*—Commissions similar to the above were issued of the same day and date to Hon. Samuel S. Mehard, President Judge of the 35th Judicial District, and to the Hon. Jas. B. Neale, President Judge of the 33rd Judicial District.

Proclamation of the Election of John A. Swope as a Representative of Pennsylvania in the United States Congress.

Pennsylvania, ss:



Commonwealth.

**I**N THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. **ROBERT E. PATTISON.** Governor of the said

#### A PROCLAMATION.



Whereas, In and by the forty second section of an act of the General Assembly of this Commonwealth, entitled "An Act relating to the elections of this Commonwealth," approved the second day of July, in the year of our Lord one thousand eight hundred and thirty-nine, it is provided that "when the returns of any special election for a Member of the House of Representatives of the United States, shall be received by the Secretary of the Commonwealth, the Governor shall declare by proclamation the name of the person elected;"

And whereas, The returns of a Special Election held in the Nineteenth Congressional District of this Commonwealth, composed of the Counties of York, Adams

and Cumberland, on Tuesday, the twenty-third day of December, A. D. 1884, under the authority of Writs issued in conformity with the provisions of the Constitution of the United States, and the above recited act of the General Assembly of this Commonwealth, have been received by the Secretary of the Commonwealth, whereby it appears that John A. Swope was duly elected to serve as a Representative of the people of this Commonwealth in the House of Representatives of the United States, to fill the vacancy in the Forty Eighth Congress occasioned by the death of William A. Duncan.

Now therefore, I, Robert E. Pattison, Governor as aforesaid, do issue this, my proclamation, hereby publishing and declaring that the said John A. Swope has been returned as duly elected in the District above mentioned, a Representative of the people of this Commonwealth in the House of Representatives of the said Forty Eighth Congress of the United States in room of the said William A. Duncan, deceased.

Given under my hand and the Great Seal of the State, at Harrisburg, this thirty first day of December, in the year of our Lord one thousand eight hundred and eighty-four, and of the Commonwealth the one hundred and ninth.

ROBT. E. PATTISON.

By the Governor:

W. S. Stenger,

Secretary of the Commonwealth.

## DOCUMENT RELATING TO THE PROCLAMATION.

Pennsylvania, SS:  
Robert E. Pattison.



**I**N THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. ROBERT E. PATTISON, Governor of the said Commonwealth. To Jacob H. Plank, Esquire, High Sheriff of the County of Adams, Sends Greeting.

Whereas, In consequence of the death of the Honorable William A. Duncan, who was a member-elect of the Forty-ninth Congress from the Nineteenth Congressional District of this Commonwealth, composed of the counties of Adams, Cumberland and York, a vacancy has occurred in the representation of this State in the House of Representatives, of the Congress of the United States.

Now, therefore, I, Robert E. Pattison, Governor as aforesaid, in pursuance of the provisions of the Constitution of the United States, and of an act of the General Assembly of this Commonwealth, entitled "An act relating to the elections of this Commonwealth," approved the second day of July, Anno Domini, one thousand eight hundred and thirty-nine, have issued this writ hereby commanding you, the said Jacob H. Plank, High Sheriff, as aforesaid, to hold an election in the county of Adams, on Tuesday, the twenty-third day of December, in the year of our Lord one thousand eight hundred and eighty-four, for the election of a representative of the people of this Commonwealth in the House of Representatives of the Congress of the United States to fill the vacancy as aforesaid. And you are hereby required and enjoined to give lawful notice, and cause to be held and conducted the said election, and make return thereof, in manner and form as by law is directed and required.

Given under my hand and the Great Seal of the State, at Harrisburg, this seventeenth day of November, in the year of our Lord one thousand eight hundred and eighty-four, and of the Commonwealth the one hundred and ninth.

By the Governor:

W. S. STENGER,

Secretary of the Commonwealth.

(Writs similar to the above were issued of the same day and date to Jesse Workinger, High Sheriff of the county of York, and to George B. Eyster, High Sheriff of the county of Cumberland.)

## Biennial Message to the Assembly—1885.

Gentlemen of the Senate and House of Representatives:

**Y**OU ARE ASSEMBLED IN OBEDIENCE TO THE direction of the people to consider and enact for their government such laws as will promote their general welfare, and secure and establish their hap-

piness and prosperity. To be clothed with the authority to make the laws that will govern the lives and affect the conditions of upwards of five millions of freemen is a solemn and weighty responsibility. It calls for the exercise of your best talents, your purest purposes, and your most disinterested zeal.

The requirement of the people that the General Assembly shall convene every two years does not, except as to a few routine matters, of itself constitute a direction to legislate, or express a necessity for the passage of laws. It is a mistake to assume that a session is fruitless that does not result in the framing of a given number of statutes, or that the value of a session is to be measured by its length, or the number of its enactments. Most of the causes of complaint to-day result from over-legislation. The people may be governed too much, and legislation beyond a given point is meddlesome. It was largely to redress the grievance of over-legislation that the people adopted a new constitution in 1873. By it, they reduced the number of sessions one-half, and imposed limitations upon the scope of the law-making power that have abridged the volumes of statutes at least four-fifths their former size. Not only have the people not suffered any disadvantage from this reduction of enactments, but they have gained positive benefit in an exemption from many of the evils of special legislation.

The Constitution imposes upon the Executive the duty of giving to the General Assembly from time to time information of the condition of the Commonwealth, and of recommending to their consideration such measures as he may deem expedient. In pursuance of the first branch of this direction, it will be necessary only to briefly summarize the general working of the government since your last adjournment. The detailed particulars will appear to you in the

reports submitted by the heads of the various departments.

The condition of the treasury is shown by the two following tables, containing a summary of the receipts and disbursements from the 1st day of December, 1883, to the 29th day of November, 1884.

Summary of receipts at the State treasury from the 1st day of December, 1883, to the 29th day of November, 1884, both days inclusive:

Tax on capital stock, (one-half,) ....	\$767,863 78
Tax on income, .....	71,616 36
Tax on gross receipts, .....	787,929 20
Tax on coal companies, .....	816 56
Tax on gross premiums, .....	36,158 14
Tax on sale of fertilizers, .....	5,820 00
Tax on bank stock, .....	373,135 41
Tax on writs, .....	121,698 52
Tax on loans, .....	140,715 30
Tax on premiums, .....	283,136 22
Tax on logs, .....	6,441 68
Bonus on charters, .....	84,916 90
Notary public commissions, .....	10,125 00
Collateral inheritance tax, .....	461,465 48
Accrued interest, .....	31,874 71
Land, .....	4,165 07
State tax, .....	502,025 43
Office licenses, .....	2,894 21
Fees of office, .....	52,478 51
Retailers' license, .....	301,393 42
Tavern license, .....	426,429 19
Eating-house license, .....	70,439 26
Brewers' license, .....	14,137 47
Billiard license, .....	31,717 75
Brokers' license, .....	18,191 60
Auctioneers' license, .....	9,178 60
Liquor license, .....	31,425 47
Peddlers' license, .....	1,970 48
Patent-medicine license, .....	1,250 24
Circus license, .....	2,929 60
Bottlers' license, .....	2,235 00
Butchers' license, .....	73 15
Refunded cash, .....	2,358 78

Refunded legislative cash, .....	29,000 40
Pamphlet laws, .....	908 92
Conscience fund, .....	278 00
Escheats, .....	9,148 83
Excess of commissions, .....	775 31
Fines and forfeitures, .....	234 00
Annuity for right of way, .....	10,000 00
Sale of Geological Survey reports, ..	705 14
Miscellaneous, .....	1,538 51

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\$4,711,595 60

Amount transferred to sinking fund, 976,315 73

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\$3,735,279 87

## SINKING FUND.

Amount transferred from general fund, .....	\$976,315 73
Tax on capital stock, .....	767,863 78
Interest on United States consols, ...	60,000 00
Commutation of tonnage tax, .....	460,000 00
Allegheny Valley Railroad Company, interest, .....	127,500 00
Allegheny Valley Railroad Company, bond No. 10, .....	100,000 00

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2,491,679 51

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\$6,226,959 38

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Summary of payments at the State Treasury from the 1st day of December, 1883, to the 29th day of November, 1884, both days inclusive:

Pensions and gratuities, .....	\$7,948 52
Judges, .....	379,743 32
Associate judges, .....	31,814 15
Salaries, .....	72,537 42
Legislative expenses, .....	1,756 50
Mercantile appraisers, .....	3,399 62
Charitable and reformatory institu- tions, .....	906,102 10
Department expenses, .....	99,326 21
Public printing and binding, .....	151,559 95
Public buildings and grounds, .....	7,000 00
Geological Survey, .....	37,000 00
Supplies and contracts, .....	18,487 22



State Library, .....	4,650 00
Advertising, .....	1,345 60
Department contingent expenses, ..	40,392 81
Bureau of Statistics, .....	2,000 00
Costs in suits vs. delinquent dealers	51,796 08
Gratuities to discharged convicts, ...	4,720 00
National Guard, .....	227,523 46
County superintendents, .....	83,413 37
Soldiers' Orphan schools, .....	324,985 08
Normal schools, .....	94,648 11
Common schools, .....	991,214 69
Fire companies, .....	900 00
Analysis of fertilizers, .....	5,425 00
Suppression of pleuro-pneumonia, ..	4,391 86
Legislative Record, .....	6,522 70
Costs in Commonwealth cases, .....	492 56
Expenses examining accounts of county officers, .....	1,000 00
Expenses executing corporation laws,	1,000 00
Refunded cash, .....	724 56
Miscellaneous, .....	2,091 31
Mine inspectors, .....	36,273 90
Public light, .....	10,695 93
Penitentiaries, .....	216,425 00
Claims for military services, .....	1,510 19
Legislative contingent, .....	10,000 00
Legislative salaries, .....	523,875 46
Indexing Journal, House of Repre- sentatives, .....	200 00
Marine Hospital, Erie, .....	1,684 00
Agriculture of Pennsylvania, .....	1,080 00
Statue to General Muhlenburg, .....	3,750 00
Pennsylvania State Agricultural So- ciety, .....	2,000 00
House of Representatives, .....	109 00
Senate of Pennsylvania, .....	4,000 00

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 \$4,377,515 68

## SINKING FUND.

Interest on public debt, .....	\$819,951 25
Compensation Farmers' and Mechan- ics' National Bank, Philadelphia, .	6,000 00
State loans redeemed, .....	259,900 00
Interest on same, .....	69 00

State loans purchased, .....	374,600 00	
Premiums on same, .....	49,251 37	
United States consols purchased, ....	1,400,000 00	
Premiums on same, .....	324,875 00	
Brokers' commissions on same, ....	1,750 00	
Interest on Agricultural College land-scrip bond, .....	30,000 00	
	<hr/>	\$3,266,396 62
		<hr/>
		\$7,643,912 30
		<hr/>

The fiscal year just closed began with a cash balance in the treasury, December 1, 1883, of \$3,534,538.03. The foregoing tables show that during the year there was received, for the general fund, \$3,735,279 87, and for the sinking fund, \$2,491,679 51, making a total receipt of \$6,226,959 38. For the same period, the payments were, for the general fund, \$4,377,515 68, and for the sinking fund, \$3,266,396 62, making the total payments \$7,643,912 30. While the receipts were thus less than the expenditures, yet, with the cash balance on hand, December 1, 1883, from former years, the Treasurer was enabled to meet all the current expenses during the year, and, at the same time, invest for the sinking fund \$2,150,476 37, and close the year with a balance in the treasury of \$2,117,585 11. The apparent excess of payments over receipts for the year is \$1,416,952 92. Of this excess, however, \$774,717 11 is invested in the sinking fund to secure the payment of the debt of the State, that being the amount, as shown by the tables, paid to the sinking fund in excess of the receipts for the same. This leaves, therefore, as the real excess of expenses over receipts, \$642,235 81, the difference between the general fund payments and receipts. This difference may be accounted for by a net decrease in the receipts over the previous fiscal year of \$374,465 66. Of the gross decrease, \$547,758 32 occurred in the receipts

from the five items of tax on capital stock of corporations, of gross receipts, of collateral inheritance tax, of retailers' licenses, and of tavern licenses.

The excess of payments over the previous fiscal year is due mainly to the extra session of the Legislature, called for the purpose of having a neglected constitutional duty performed. This fruitless session cost over five hundred thousand dollars, which was taken from the treasury in opposition to a veto, and for which the people have received no return, as their constitutional command, to enforce which the session was called, is still unobeyed. The increased payments to charitable and reformatory institutions, to public printing, to normal and common schools, to penitentiaries, and to costs in suits against delinquent dealers, six items, amounted to \$258,802 37.

For the fiscal year ending November 30, 1885, the Treasury has made the following estimate of receipts and payments:

#### RECEIPTS.

For the general fund, .....	\$4,575,500 00
For the sinking fund, .....	1,570,500 00
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Total receipts, .....	\$6,146,000 00
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#### PAYMENTS.

To the general fund, .....	\$4,824,000 00
To the sinking fund, .....	1,088,662 50
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Total payments, .....	\$5,912,662 50
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It thus appears from the estimate of the Treasurer that the expenditures of the general fund will exceed the receipts for that fund about \$250,000. While the balance with which the Treasurer begins the year, will, of course, prevent a deficit occurring, yet the Legisla-

ture should, in making their appropriations, scrutinize them with this probable excess of expenditures over receipts in view.

The following is a statement of the condition of the public debt:

## DEBT.

3½ per cent. loans, due 1912, .....	\$1,755,900 00
3½ and 4 per cent. loans of 1881, due 1885 to 1892, .....	1,870,600 00
5 per cent. loans of March 20, 1877, due 1892, ....	7,767,300 00
4 per cent. loans of 1879, due 1894, .....	1,917,000 00
4 per cent. loans of 1879, due 1912, .....	5,108,300 00
Miscellaneous loans upon which interest has ceased, .....	165,183 28
6 per cent. agricultural bond, .....	500,000 00
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Total debt, .....	\$19,084,288 28
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## MEANS TO PAY DEBT NOW IN SINKING FUND.

Pennsylvania railroad, due on public works, not including interest due in future, .....	\$2,660,913 00
Allegheny Valley, on twenty-five bonds, not in- cluding interest due in future, .....	2,500,000 00
United States 4 per cent., .....	2,200,000 00
Balance in sinking fund, .....	1,274,801 68
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Total, .....	\$8,635,714 68

An examination of the subjects of revenue and taxation induces the belief that the time has arrived for the State to do something to equalize the burden of taxation upon real and personal property. It is true the State imposes no direct tax upon real estate, but it is equally true that that species of property in this Commonwealth furnishes four fifths of all the revenue raised within its borders. The figures are indeed suggestive. As far as ascertained, it appears that for State, borough, township, county, municipal, and all other purposes, there is yearly raised by taxation

about \$38,000,000. Of this sum, real estate pays about \$30,000,000, and personal property about \$8,000,000.

One would suppose from these figures that the difference in value of the two species of property would be in some proportion to the difference in the amount each contributes to the public revenues. The facts, however, do not support such a supposition. The value of the paid-in capital of corporations (largely below the authorized capital) is about \$1,200,000,000. The value of money at interest, horses, carriages, watches, &c., amounts to about \$300,000,000, making as the total value of these forms of personalty \$1,500,000,000. Of course, these figures are very much below the actual value of all the personal property in the Commonwealth, as the means for the valuation of that form of wealth are very imperfect, and a true appraisement, from the nature of such property, is difficult to obtain. The real estate in the Commonwealth, according to the latest returns, is valued at \$1,600,000,000. The difference, therefore, in the value of these two kinds of property is only about \$100,000,000, while one pays but \$8,000,000 in taxation, and the other pays \$30,000,000. This is surely an unwarrantable and unjust discrimination, oppressive to real estate, and giving personalty an exemption from the public burdens in contravention of the spirit of the Constitution and natural equity. There is no reason why the capital of the farmer should be taxed four times as much as the wealth of another citizen. It would seem, if any distinction were made, that it should be in favor of that form of capital that is most productive, and that contributes most to the stable richness of the State. All that is contended for, however, is that there should be an equalization, or an approach to it, of the burdens imposed on each form of property.

As an effort in this direction, I suggest that the revenue law of the State be so changed that tax upon

corporations shall bear all the expenses of the Commonwealth, and that the income from all other sources of taxation upon personal property be paid back to the respective counties whence it comes, to relieve real estate in those counties to that extent from local taxation. This would revert to the counties the various licenses collected, the tax on watches, horses, and carriages, money at interest, &c.—in short, all the revenues now derived except that directly from corporations. This would be a material relief to real estate, and would not be a serious additional imposition on corporations. Corporate wealth is so purely a creation of the State, and that interest has been so carefully nursed by the Commonwealth, that it is no more than just that it should support the State. It almost does so now, and, by the plan suggested, the real estate of corporations in the various counties would share in the relief granted by the reverted revenues to such an extent that the additional tax imposed would really be but trifling. The tax upon corporations might also be directly upon their paid-up capital stock instead of upon the various items of gross receipts, dividends, &c., as is now provided. Our revenue laws are intricate, complex, difficult of ascertainment, and uncertain. If some one class of corporate property was selected, (as for example, paid-up capital stock,) and the tax assessed solely upon it, our revenue laws would be materially simplified. Such a system would give a definite fund upon which estimates could be made, and do away with the fluctuations and uncertainty now pertaining to our system of taxation. Pennsylvania could and ought to be so supported. Real estate, whether farm lands, or city property, is suffering to-day from its onerous burdens, and the cry for its relief comes to us from a class in the community whose appeals should be carefully considered—the owners of homes and the tillers of the



soil. The inequality of the burdens borne by personal and real property is glaring and unjust, and is, day by day, becoming more and more apparent. The adjustment of this inequality must come sooner or later, for it is a right which those discriminated against will not cease in asserting, and the method suggested may be a practical help towards a settlement of an important controversy, and the redress of a real grievance.

I again call the attention of the Legislature, as I did in my former message, to the wisdom of designating by law the places in which the Treasurer shall deposit the public moneys. The discretion vested in the Treasurer to select the places of deposit is a dangerous one for him and for the State. It subjects him to personal importunity, and admits of favoritism and abuse. Especially should the option of deposits with private bankers be prohibited. The financial management of the State should be based upon plain business principles, and there is no reason why the public moneys should not be deposited in such a manner as to afford equal security and profit with like capital of individuals. The recent failures of banking institutions having State moneys on deposit under former treasurers should be an admonition to the Legislature of the necessity for the passage of some such regulation.

The work of the pardon board is a proper subject for public information as a matter affecting the administration of criminal justice. The exercise of Executive clemency is a subject about which the citizens in the past have properly displayed a sensitive interest. I, therefore, lay before you in detail the action of the Board of Pardons during the time the present Executive has been in office. From February 20, 1883, to date, the Board has heard and considered the cases of one hundred and forty-four persons. The crimes committed by these applicants for clemency were:



Larceny, .....	23
Burglary, .....	18
Assault and battery, .....	19
Murder in first degree, .....	12
Murder in second degree, .....	7
Arson, .....	8
Robbery, .....	7
Rape, .....	7
Manslaughter, .....	6
Forgery, .....	6
Embezzlement, .....	4
Conspiracy, .....	3
Bigamy, .....	3
Entering with felonious intent, .....	3
Abortion, .....	2
Receiving stolen goods, .....	2
Keeping bawdy-house, .....	2
Horse-stealing, .....	2
Uttering false instrument to defraud, etc., .....	2
Riot, .....	1
Felony, .....	1
Libel, .....	1
Violation of election laws, .....	1
Carrying concealed deadly weapons, .....	1
Sodomy, .....	1
Malicious mischief, .....	1
Seduction, .....	1
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Total, .....	144

Sixteen of these cases were recommended for clemency, and were pardoned by the Executive. The offenses of which these sixteen persons were convicted were as follows:

Larceny, .....	5
Robbery, .....	1
Burglary, .....	1
Arson, .....	1
Entering in night to commit felony, .....	3
Rape, .....	2
Violation of election law, .....	1
Assault and battery and aggravated assault and battery, ..	2

The sentences of three persons were commuted—

two for murder in first degree, from hanging to imprisonment for life, and one for burglary and larceny, so that the sentence expired at the end of two years and four months from its date.

The remaining one hundred and twenty-five applications were refused.

The work of the pardon board particularly calls for deliberate, painstaking, conscientious and intelligent action. Its duties are of the most delicate, serious, and responsible character, affecting the most vital interests of the community. These requirements, I believe, have been fully met by the present Board. In every case recommended for pardon, there have been substantial reasons to warrant the extension of clemency, resulting either from after-discovered testimony, evidence of mistake, or other adequate cause, supported by the recommendation of the local officers of justice. In the cases refused, there has been an absence of sufficient evidence of innocence or injustice to call for the staying of the enforcement of our criminal laws.

The law passed at your last session for the supervision and control of places where insane persons are detained has justified the wisdom of its enactment. The report of the Lunacy Committee established by that act has demonstrated that the charges of inhumanity and cruelty to the insane, to prevent which the act was demanded, were not without foundation. The committee discovered and investigated a large number of cases of improper detention, some of which disclosed the most distressing and revolting circumstances of cruelty and neglect. Had the means of investigation at the disposal of the committee been greater, there is no doubt that still more satisfactory results would have been obtained. Unfortunately, the Legislature neglected to make any appropriation for the payment of the salary of the secretary of the com-

mittee authorized by the act, or the expenses necessarily entailed in effecting the purpose the new legislation was intended to accomplish. In calling attention to this omission, I also desire to express the hope that the Legislature will not only supply the deficiency, but appropriate adequate means for carrying out the humanitarian intent of the act, and giving effect to the philanthropic purpose and valuable labors of the public-spirited and worthy citizens who inspired and drafted it.

The subject of the care and treatment of the insane is one of growing importance, and demands your most attentive consideration. None of the charities of the State is more worthy and important. The exhaustive report of the Committee on Lunacy is commended to the careful thought of the Assembly. It calls attention to the overcrowded condition of many of the asylums, makes suggestions for much-needed amendments in the lunacy laws, and is full of facts and details that are of the utmost value, and attests the thorough character and beneficial work of the committee.

The whole subject of the public charities will claim a large share of your attention. Liberal as the appropriations have been to this object in the past, they have yet been found insufficient to meet the demands made by those who are a legitimate charge upon the bounty of the State. The charitable institutions of a purely public character are reported to be in a sadly overcrowded condition, and totally inadequate to supply the relief needed by the unfortunate and helpless. It should be borne in mind that the State institutions have the first claim upon the public purse, and if the amount of money at the disposal of the Legislature is no more than sufficient for amply supplying the State charities, private institutions should not be permitted, by dividing the public fund, to cripple the resources due to those which have the paramount legitimate claim upon the Commonwealth.

Foreseeing the danger probable from the large and promiscuous appropriations to private institutions, an effort was made at the last session to correct the error by vetoing a number of bills containing such appropriations. The reports submitted show that that precaution was not uncalled for, but was only too ineffectual. The State charities are to-day in a painfully suffering condition, and some measures must be adopted for the relief of the large number of unprovided poor, sick, and insane. There will be large demands made upon you for the extension of overcrowded asylums, and other much-needed additional relief. The business and industrial outlook is such as to occasion apprehension that our resources will be still further taxed to meet the want and suffering in the community. It is more than ever necessary, therefore, that you rigidly keep in view the Constitutional provision as to appropriations to charitable institutions not under the control of the Commonwealth. Provision ought first to be fully made for the State Institutions before other charities are at all considered. The bills for the former purpose should all be early considered and passed, and the amount devoted to that object computed, so that these measures will not be left to hurried and inconsiderate action in the last days of the session.

It has been suggested, in a report submitted by the Health Officer of Philadelphia, that the lazaretto be removed from its present position to either Fort Delaware, (if proper arrangements can be made with the United States Government,) or Reedy Island. The present position is entirely unsuitable, as it brings infected vessels into almost direct contact with the city and surroundings. There is an apprehension among many medical authorities that we may be visited with cholera during the coming summer. While these fears may not be realized, there is yet well-

grounded reason for the exercise of unusual care to prevent such a calamity. A strict and proper quarantine, in connection with other sanitary precautions, may prevent the epidemic finding a lodgment among us. It is further suggested that all pilots and masters of vessels be required to report to the Health Officer the names of any person boarding or leaving vessels after entering the capes of the Delaware, and upon failure to report such name in writing, such pilots and masters to be subject to indictment. The boarding of vessels before passing quarantine is a great evil, and renders quarantine almost useless.

In this connection, the establishment of a State Board of Health is recommended. Such a board is believed to be a desirable institution and a public need. It would put us in the line of advance with many of our sister Commonwealths, where such institutions have been found to be of great practical benefit.

As our population becomes more dense, the necessity for some systematic regulation of affairs pertaining to the public health of the State becomes every day more apparent.

The laws governing the lazaretto station should be revised. Many of them are unnecessary, as well as unjust, having been enacted at a time when the condition and circumstances of our commerce were entirely different from what they are at present. There is one unjust law to which your attention is called, viz: In reference to visits of the lazaretto physician made to vessels in the inside or outside channel. For a visit made in the outside channel to a vessel of a one hundred and fifty tons' burthen and upwards, an additional fee of five dollars is charged. The act imposing this charge was passed years ago, when the physician made his visits in a row boat, and received perquisites for his compensation. Two dollars of the fee

were paid to him, and one dollar to the quarantine master for their extra trouble in being rowed the further distance, and the remaining two dollars went into the city treasury. Now steam is used as a motor, and both officers are paid a fixed salary. These two considerations call for the repeal of the law.

Your attention is called to the basis upon which the distribution of the fund for our common schools should be made. The Superintendent of Public Instruction, in his annual report, says: "From a careful survey of the whole field, and from comparison of views with others, our conviction is that the law which fixes the base upon which the State appropriation is distributed should be changed. The appropriation itself is certainly made in the interest of the children who are to receive its benefit, and hence the very spirit of the law implies that the distribution, also, should be made in the same interest. The distribution is now made on the base of taxables, the Department receiving the list every three years. In our judgment, it would be better to put it on the base of average number of school-children in attendance. This can be done very easily. All teachers are now required to report the average number in attendance. They can still further be required, by law, to hand a certified list of the same to their respective boards, and the officers of the boards can forward affidavits of the same to the Department of Public Instruction, annually, and thus the necessary data will be always at hand. This would make the distribution more equitable, adapt it more directly to the changing needs of the schools, and at the same time greatly encourage efforts to secure a larger average attendance throughout the Commonwealth."

The command of the Constitution that "the freemen of this Commonwealth shall be armed, organized, and disciplined for its defense," has been faithfully obeyed.



The appropriations from the treasury for the maintenance of the militia have been well applied, and the strength of the National Guard has been fully maintained. Its last encampment was upon the battle field of Gettysburg, at which there were three thousand one hundred and sixty-four tents pitched and seven thousand five hundred and forty-three men present for duty. The troops were there reviewed by the Lieutenant General commanding the army of the United States, in presence of the Secretary of War, the Commissary General of Subsistence United States Army, and Colonel H. M. Black, of the Twenty-third United States Infantry, the latter being present under a special order from Head-quarters, Department of the East.

In his official report, Colonel Black says: "The men marched in review with a firmness and precision that I have never seen excelled."

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"As the general result of my observations, I can say that in appearance, in their discipline, and general efficiency, the troops comprising the annual encampment of the Pennsylvania National Guard for the year 1884, are worthy of all praise and reflect great honor on the Commonwealth. I believe that in this body of eight thousand men is concentrated sufficient intelligence and knowledge of military affairs to admit of an expansion to a force of at least fifty thousand. The National Guard of Pennsylvania will furnish a good working model to other States of the Union which desire to establish their militia on a firm and liberal basis."

It is recommended that a commission be created to revise the present bituminous mining laws, such commission to be similar in all respects to the one appointed at the last session of the Legislature to revise the anthracite mining laws.



The mining of bituminous coal has become a business of enormous proportions, and the safety and rights of those employed in this industry demand legislative consideration. A standard should be fixed whereby the fitness of men desiring the position of superintendent, mining boss, and fire boss can be determined, and the duties of persons employed in those respective positions can be clearly and specifically defined so as to fix the responsibility in cases of accident.

There ought to be some modifications made in the existing laws relating to that branch of government having in charge agricultural matters. The law recognizing the State Agricultural Society as in some way connected with the public administration of this subject, by appropriating to it annually \$2,250, should be repealed. Hereafter there should be but one head of the agricultural interest, to wit: The State Board of Agriculture, to which all appropriations for this interest should be made, and which should have the entire charge of all matters pertaining to this branch of the public affairs. Notably should the agricultural board have the exclusive control of the publication of the agricultural reports. These changes should be made for the obvious reason that the agricultural society is a private corporation conducted with a view to the private profit of its stockholders, most or many of whom are capitalists and farmers of large wealth, who are principally concerned in the refinements of agriculture, fancy stock-raising, and the development of fleet horses, rather than the practical concerns of every-day farming. Such an institution is well enough in its sphere, and to be commended as a private enterprise; but as the State has a department of its own devoted to this subject, whatever public money is spent for this purpose should be spent through the recognized public channel. By dividing the resources

intended for this interest, the State board is deprived of a part of the means which should legitimately go to its support and the development of its usefulness.

I can see no reason for the continuance of the office of mercantile appraiser, and recommend its abolition. The mercantile licenses can be assessed, and appeals taken in the same manner and by the same officials that assess the tax on watches, horses, carriages, and money at interest. The various county assessors could and should, at the same time that they perform their other duties, discharge the business now transacted by the mercantile appraisers. Particularly ought this to be done if the Legislature should adopt the suggestion that these licenses be paid into the treasuries of the various counties. By this means a large number of office holders would be dispensed with, their salaries saved to the State or counties, and uniformity, simplicity, and convenience be promoted by having all taxes levied by one set of officers and paid at one time to the county treasurer. This plan seems to be perfectly feasible, and its adoption would be a practical concession to the universal demand among the people for the abolition of unnecessary offices and complex governmental machinery.

As a movement in the same direction, it is recommended that the Commissioners of Public Buildings and Grounds be given the absolute and entire charge and control of the public buildings inside and out. Under existing laws, the Senate Librarian and Resident Clerk of the House are vested with, or assume to have, certain authority in the custody, control, and furnishing of the interior of the halls of the two Houses. This is an unnecessary division of authority and responsibility. It can serve no useful purpose, and may only give excuse for the continuance of offices which might very well be abolished. There is no good reason why the Commissioners of Public Buildings

and Grounds should not have the whole charge of all the buildings. This was the purpose of the creation of the board, and I am strongly in favor of such change of existing laws as will, in all the affairs of government, give to the proper officers the entire control of the subject-matter of their departments. This will fix responsibility, abolish needless offices and their expense, and do away with much of that intricate official machinery which accomplishes little else than to provide patronage and multiply the hands that spend the public money to its consequent waste and loss.

With a further view to the abrogation of this evil, it is also recommended that a change of existing laws be made so that the Superintendent of State Printing shall be charged with the duty of securing and forwarding direct from the State Printer, to the members of the General Assembly and the heads of departments, the proportion of reports and public documents to which they may be severally entitled. There is no reason why these books should not be shipped directly from the State Printer. The shipping of them first to the Senate Librarian, or Resident Clerk, to be by them re-shipped to the members and others, is a purely extravagant and indefensible routine, without reason in accuracy, promptness, efficiency, or economy. On the other hand, it seems an entirely natural and orderly proceeding for the volumes to be packed, marked, and shipped in the first instance to those entitled to them, under the direction of the Superintendent of Public Printing and State Printer. If this system should be adopted, it will make a very considerable saving to the State in the handling of the books alone, and will also leave very little excuse for the further existence of the officers of Senate Librarian and Resident Clerk of the House. If there be any further duties pertaining to the business of the two Houses devolving upon these officials, it is inconsiderable,

and can and ought to be performed by the chief clerks of the respective Houses. As to the control of the supplies for the departments now given to the Senate Librarian, that matter can be transferred to the Secretary of the Commonwealth, or some one of the other responsible and fixed heads of departments. The office of Senate Librarian is a glaring instance of a purely needless and costly office. It seems to have been called into being simply for the purpose of creating a place to be filled by some one at the public expense. Its title is a misnomer and deceptive. The Senate has no library requiring the charge of a librarian, and this officer has less to do with a library, and more to do with the spending of the public money in various affairs far from literary, than any other librarian in the history of an enlightened government that has come down to us. His office, under the misleading title with which it was crowned, seems to have been composed by taking piece-meal from other officers and departments certain incongruous and irrelevant duties that together have scarcely served as a technical apology for an office all the necessary duties of which could and would be performed by an upright and industrious person of ordinary intelligence in six weeks out of the year for a twentieth part of the compensation now paid. This office, and that of Resident Clerk of the House, which is equally unnecessary and extravagant, ought to be at once abolished.

I would suggest to the General Assembly the possibility of some legislative enactment to prevent in capital cases the great lapse of time that so often intervenes between the commission of the offense and the punishment of the offender. It is seldom, in these days, that less than a year elapses from the time a homicide is committed and the penalty of the law enforced, and the ingenuity of counsel often succeeds

in protracting the delay to a greater period. This tardiness in the administration of criminal justice is not a commendable feature in our jurisprudence. While it is true that certainty of punishment is primarily to be sought in the execution of criminal laws rather than speed, yet deliberation, when protracted to such an extent as to become delay, is in reality a mockery of justice. Our laws are sufficiently jealous of the rights of defendants in capital cases to prevent any indecent haste in their trial and punishment, but it may be seriously questioned whether the opportunities for delay offered by existing statutes do not tend to defeat the most salutary public purposes of our penal code. It is now often the case that prisoners are executed at a time when the public has ceased to think of them or their crimes, and so long after the commission of the offense that the people have lost all recollection of it, and need to make inquiry anew to ascertain the reason why one of their fellows is being hanged. When this occurs, it is doubtful if any other good is accomplished than merely inflicting the vengeance of the law upon the body of the particular offender. The public lesson is lost, and the impression intended to be made upon the minds of the vicious and all others, of the certain, prompt, and inexorable majesty of retributive human justice is, to a great extent, destroyed.

Provision should be made requiring capital cases taken to the Supreme Court to be perfected by the defendants and heard and decided by that court within sixty days after judgment on the verdict, and giving such cases priority over all others at any of the sessions, and in any district of the Court. After affirmation by the Supreme Court, the law should require the warrant of execution to issue immediately, fixing the day of execution not less than thirty nor more than sixty days from its issue, and the Board of Pardons

should be required to hear and determine all such cases before the day fixed for execution of sentence. Of course, the Legislature may, in its wisdom, if it sees proper to carry this suggestion into effect, lengthen or shorten the periods named. Undoubtedly, something should be done to give certainty and reasonable promptitude to the execution of criminal justice, and put a stop to the prolonged delays so often occurring, to meet which the Governor is frequently required to again and again withdraw death warrants and reprieve the prisoners to more distant days, to conform to the slow march of penal laws. If this evil can be corrected, it will do away with much of the disfavor into which capital punishment has fallen, and much of the mawkish sentimentality that surrounds the scaffold. The offense and its punishment being brought nearer together, the public will see the meetness and justness of the retribution. The prisoner, too, will be more likely to make proper preparation for his inevitable fate when he is no longer subject to the fluctuation of hope, to which he is now invited by our laws to cling.

I recommend the fixing of a definite salary for the Secretary of the Commonwealth and the Attorney General. Those officers are now compensated partly by fixed salaries and partly by fees. The tendency of recent legislation, the spirit of the Constitution, and the sentiment of the people, are opposed to the fee system for compensating public officers, and it should be abolished wherever it still exists. The remuneration of all officials should be by fixed and definite salaries, so that the public may be enabled without trouble to know exactly what they pay their servants, and how much their Government costs them. Fees are taxes or exactions from the substance of the people, no matter how they are collected, or by what name they are called.



In this connection, occasion is also taken to urge the passage of a law fixing a specific salary for members of the General Assembly. The existing law upon this subject, while a technical compliance with, is in reality an evasion of, the constitutional direction that the members shall be paid a "salary," to be "fixed by law." There can be no doubt that the popular understanding of that provision, and of the meaning of the word "salary," is that the compensation of legislators shall be by a certain specific and invariable sum, not regulated in its amount by the action or non-action of the legislators themselves. In the popular mind at least, the word "salary" has obtained a signification contradistinguished from the idea of pay by the day. Moreover, the debates in the convention upon this clause of the Constitution, and the public discussion of the subject at the time, leave no room for doubt that per diem compensation of the Legislature was regarded as an evil, and that the section upon legislative pay embodied in the fundamental law was intended to abrogate that method of official recompense. The act of 1874, however, fails to carry out the spirit and intent of the Constitution, and continues the per diem idea, if not in all its provisions, at least in that part of it giving members ten dollars a day for each day not exceeding fifty that the Legislature extends its session beyond one hundred days. The result has been to bring scandal and reproach upon the Legislature among the people, who have not hesitated to suspect that the prolongation of its sessions by the General Assembly to the utmost limit of time for which compensation could be claimed, has been for the sole purpose of increasing its pay to the last dollar it may lawfully take from the Treasury. Such distrust by the people of the motives of their representatives is a thing to be deplored, and urgently demands correction. The Legislature, therefore, for the pre-



servation of its own dignity, and the protection of itself from the imputation of selfish and unpatriotic motives, as well as in obedience to a plain public demand and the spirit of the Constitution, ought to promptly pass a law fixing a definite and invariable salary of a reasonable amount for the compensation of its members. The practicability of providing for the payment of salary by the month, as members of Congress are paid, is well worthy of consideration.

I recommend the passage of a resolution submitting to the people for adoption an amendment to the Constitution abolishing payment of tax as a qualification for electors. As practically carried out the payment of a poll-tax as a qualification for voting has largely contributed to debauch our politics and bring our elective system into reproach. It is a matter known of all men that the political parties yearly contribute immense sums from the party treasuries to qualify electors by wholesale for partisan purposes. This system degrades the suffrage right, is dangerous to free institutions, and gives to political parties an influence over the indigent or indifferent that may be used to subvert the popular will and prevent the ballot-box from recording the unbiased choice of the people. It tends to make elections unduly expensive, and gives rise to powerful and dangerous party organizations, hostile to healthy political sentiment, and the main purpose of which seems to be, by assessment upon office-holders and in other ways, to raise large sums of money to control elections in the interest of parties and factions. In the abstract, a money qualification for votes is an odious and undemocratic principle, at variance with the theory of Republican government, and having a tendency to give undue influence to wealth, and divide the community upon the basis of riches and poverty. This is true whether the qualification consists in the ownership of property or the

payment of a tax. In point of fact, however, the money qualification required by our law is no qualification at all, and keeps alive an odious discrimination without the slightest effect in limiting the suffrage, but giving opportunity for the worst evils of corrupt partisan control of the ballot. It is preposterous to suppose that a citizen, otherwise qualified for an intelligent exercise of the right of suffrage, is made any more so by the payment of fifty cents, or that one disqualified without such payment is habilitated with the high attributes of a sovereign elector by contributing a half dollar to the public treasury. I regret the end in view cannot be accomplished expeditiously by the passage of an ordinary statute, and that this relic of an age and theory inimical to free representative government requires the slow process of a constitutional amendment for its eradication.

Our Commonwealth has of late years obtained a notoriety, which all good citizens must deplore, as a place where decrees of divorce may be easily and quickly obtained. Persons desiring to relieve themselves of the duties and restraints of marriage have found that the laws of the State of Pennsylvania present desirable facilities for the accomplishment of their purpose. Our courts have come to exhibit a record of decrees annulling the marriage relation startling in their number and history, and that must shock the conscience of all thoughtful people, as it has already been the occasion for reproach by the citizens of other localities. It is undoubtedly a fact susceptible of proof by judicial records, and within the knowledge of every attorney in general practice, that parties in other States desiring to lay aside irksome conjugal ties acquire a temporary residence here for the sole purpose of obtaining the expeditious relief which the liberal divorce laws of our Commonwealth permit. Those laws, and the practice obtaining under

them, seem to be based upon the principle that divorces are a thing to be facilitated by the State and their procurement made easy, prompt, secret, and cheap. Some of those provisions do actually seem to invite discontented husbands and wives to seek the dissolution of their marriage ties. What other construction can be put upon the law that allows divorces for desertion extending for a period of two years, but permits proceedings to be instituted within six months after such desertion began? In other words, application is permitted to be made when the offense is only one fourth consummated in anticipation of its finally reaching the extent required by law. Steadily, since 1815, our laws have been opening the door of escape from the marriage state wider and wider and wider, relaxing the restraints and destroying the solemnity of that sacred relation. Each of the successive acts of 1847, 1850, 1854, 1855, 1858, and 1859, have been either extensions of the causes of divorce or of the jurisdiction of the courts as to persons or subject-matter. At the same time, the rules of practice of the courts, following the bent of legislation, have made smooth and easy the processes which bring death to the holy institution which is at the base of all private virtue, social safety, and national hope.

This is a matter that deeply concerns the State, and no subject presents stronger claims upon the General Assembly for earnest consideration and effective reform. The government whose laws fail to surround the citadel of the family with reasonable guards exposes the fortress of its power to the most insidious and destructive of foes. It is no doubt true that laws cannot make people virtuous, but they can prevent vice from having free sway and bringing its evil effects upon the innocent and defenseless. Herein, with reference to marriage, is the true function of human government.

There are two lines upon which the Legislature may move in proceeding to correct this abuse. One is in providing a more rigid and less expeditious divorce law, and the other such legislation as will tend to prevent hasty and ill-assorted marriages. These remedies are helpful of each other, as the evils which they are intended to correct are really productive of each other. Hasty marriages are a fruitful parent of divorce, as strict laws and a healthy sentiment upon the subject of the indissoluble character of matrimony are a restraint upon imprudent marriages.

I invoke for this subject the thoughtful attention of the Legislature, and submit for their consideration in this behalf the following suggestions:

First. The requirement of a residence in this State of at least two consecutive years immediately preceding the commencement of any action for divorce.

Second. That malicious desertion as a ground for divorce shall have continued for and during the space of at least three years immediately before the commencement of any action for that cause.

Third. If cruel and barbarous treatment shall be continued as a cause for divorce, it shall be in actions by the wife only, and shall be confined to actual violence to the person.

Fourth. Limiting the jurisdiction of our courts in actions for divorce to causes occurring while the persons were bona fide residents of this State.

Fifth. The prohibition of marriage by the guilty party in a decree of divorce during the lifetime of the other, and declaring all such marriages void in Pennsylvania, whether contracted here or elsewhere.

Sixth. The making it a misdemeanor, punishable by fine or imprisonment, for any magistrate or clergy man to marry any minor or other persons in violation of law.

The attention of the General Assembly is called to

the need of some legislation regulating the sale of intoxicating liquors. The State has the same warrant for legislating upon this subject it has upon the subject of marriage and divorce—the right inherent in every organized community to protect itself from injury, or the liability thereto, resulting from the acts of persons within its lawful jurisdiction. It is unnecessary, however, to attempt to adduce arguments in support of the legality of legislative restriction upon the traffic in intoxicating liquor, as the constitutionality of such measures has been repeatedly affirmed by courts of competent authority. The important question for consideration is whether the sale of such liquors, as at present conducted, is a public evil, and what remedy can be applied for its correction.

I have no hesitation in pronouncing that, in the judgment of the Executive, there is no more wide-spread and debasing evil, alike injurious to the morals, health, public usefulness, law-abiding spirit, happiness, and prosperity of the people than the present virtually unrestricted sale of intoxicating drinks. There is no disinterested and careful observer, no student of practical government, who, if he speaks his mind, will not admit that drunkenness is the most prolific cause of poverty, crime, misery, and sin that afflicts the people. The convicts in our prisons, the paupers in our almshouses, the inmates of our insane institutions, and the inhabitants of the abodes of squalor and shame are largely recruited from the dram-shops and taverns. In its moral and in its economical aspects, the State is equally concerned in the problem of the repression of drunkenness. The subject has reached a point where the decent and law-abiding people in the community have become aroused to the necessity for effective action, and it behooves the General Assembly, in response to that just sentiment, to look the question fearlessly in the face, and adopt such judi-

cious measures as will at least effect an amelioration of the evil.

The returns of the county commissioners show the presence of six thousand three hundred and fifty-eight licensed drinking places in the city of Philadelphia alone. This is at the rate of one saloon for every one hundred and twenty-five of the population—men, women and children. How many unlicensed places there are, must be left to conjecture. This ratio is probably maintained in most of the cities. Such a statement is of itself sufficient proof that our present license laws are ineffective as a proper regulation of this traffic.

The evil and wrong of drunkenness all admit, and the law recognizes the various regulations respecting the licensing of taverns and the punishment of public drunkenness is the assertion by the law of the right and necessity of statutory control and restriction. The advocacy of such legal restraint is therefore no new doctrine. What is now contended for is what all fair-minded persons must admit, that the present laws upon this subject are ineffective and inadequate. I, therefore, recommend the increase of the cost of license to such a sum as will decrease the number of taverns, and, if possible, weed out the enormous number of tippling places which infest the community. There ought also to be careful regulations respecting the granting of such licenses, particularly in large cities, with a limitation as to the number to the population, and provisions requiring the petition of citizens of the neighborhood setting forth a desire for the establishment of such places, and the existence of a public necessity therefor. Discrimination might possibly be wise in such legislation between rural districts and cities. The details of such a measure, however, (as the whole subject-matter,) are for the wisdom of the General Assembly. Whether such changes



in the law as I have suggested will produce the desired end, can only be determined by time. They will certainly have a tendency in that direction, and they are recommended as a practical effort for the accomplishment of a much-needed reform.

The making and publication of the Geological Survey of the State is a matter that I think calls for legislative inquiry. This undertaking began in the year 1875, and since then there have been expended in its publication alone to July 1, 1884, the following sums: Printing, \$369,754 40; engraving, \$76,231 42; paper, \$108,202 16. The cost of the work completed since July 1 last is: Printing, \$21,293 91; paper, about \$4,800. The estimated cost of the work now in hand is, for printing, \$10,000, and for paper, \$3,200. These sums aggregate for publication alone \$593,481 89. In addition to this amount, the commission having the survey in charge has expended about \$450,000, making the total expenditure for this work over \$1,000,000. There have been published seventy-three volumes, at an average cost of about \$14,000 per volume. Of each volume there have been printed from two thousand to five thousand copies, making the cost of each book from three to five dollars. The work is still uncompleted, and additional appropriations will probably be asked for the enterprise. Before any further money is spent upon this undertaking, it seems to me there should be some understanding arrived at as to when this enormous outlay will cease, whether the value of the subject is commensurate with its cost, and whether the work so far paid for has been economically done and the money judiciously expended. The act of 1874, providing for the survey, should be carefully revised by the Legislature, and limitations put upon the powers of the commissioners to entail expense. The salaries of the geologist and his assistants, and the form and character of the publications.



are now exclusively within the discretion of the commission. This should be remedied by provisions regulating to some extent the cost to which this undertaking can be carried. Particularly should the printing be brought within some reasonable limit, and a method devised for some careful audit and supervision of the expense thereof, which, at present, seems to be without any responsible check or control.

As related in some degree to this subject, I recommend that in all cases of expenditure of public money there should be a specific and limited sum appropriated, and no expense should be authorized without a fixed limit as to its amount. It is not unusual—particularly with respect to the public printing—for a certain rate to be named and expenditure authorized of “so much money as may be necessary.” It is exceedingly doubtful whether such so-styled appropriations conform to the Constitutional requirements of an appropriation bill. However that may be, the method is an exceedingly loose and unwise one. Such an unlimited draft upon the treasury is at variance with all sound business principles. It is this system that has in part given rise to the extravagant amount and character of the public printing. The enormous number of public documents printed, their great size, the unnecessary and useless quantity of matter with which they are filled, have long been a matter of known extravagance. So glaring had this waste become that the last Legislature attempted its correction, in part, by reducing the number of volumes authorized to be printed. The defect in the law is in not appropriating a limited amount in all cases, beyond which the cost of publication cannot go. There is not the slightest practical difficulty in doing this with reference to every expense authorized. If this were done, there would soon be a reduction in the size and cost of public documents without any diminution

of their real usefulness as sources of popular information.

The repeal of the present State printing law is recommended, and the passage of a new statute based upon the principles suggested, with a further and additional safeguard thrown around the expenditures in that department by the specific limitations, and a thorough system of audits and accounts. The expense for printing for each department of the Government should be paid for from definite appropriations made directly to each department upon warrant drawn by the head of each department, which, when approved, shall be countersigned by the Auditor General. There has been abuse in the public printing, and there will always be liability thereto so long as the present loose irresponsible and unbusiness-like system is continued.

Your attention is also called to my views on the subject of advertising, expressed in a former message. A judicious supervision of this subject must necessarily result in the saving of large sums of money to the Commonwealth, as is abundantly illustrated by the fact that the payments for advertising in the State Department, for the years 1883 and 1884, have been \$5,946 86, as against \$30,016 92 for the years 1881 and 1882, showing a net saving on that item of \$24,070 06.

I recommend the repeal of the act, passed in 1868, taking from the councils of the city of Philadelphia the control of the streets of that city in regulating the rights of passenger railways thereon. The charters of incorporation of most of the railways, passed before that act, explicitly give to the city the power to impose reasonable regulations and duties upon the roads in connection with the streets. The act of 1868 seems to have been intended solely for the benefit of railroads, and its passage utterly ignored the rights of the people and authorities of that city in their

highways. Indeed, the powers expressly given to the city by the charters of these corporations were of the essence of the grant, and were a needed restraint upon the companies, and protection to the city. To repeal the act of 1868 would be only to put these corporations in the position they voluntarily accepted when they were called into being, and would give back again to the city that power over its streets, to which it is entitled in common justice, as a curb upon the unrestrained supremacy of the railroad companies. There need be no fear of that city being unjust to the roads. There is infinitely greater need for fear of the roads being unjust to the city. They should not be placed above the municipal authorities, where the act of 1868 placed them, and where they have not failed to exercise their power in the most high-handed and offensive manner.

I am obliged again to direct the attention of the General Assembly, as I did in my message of the last session, to the continued failure of the law-making power to adequately carry into effect the provisions of the seventeenth article of the Constitution, relating to railroads and canals. For some reason, there has been an undoubted spirit of hostility shown by the Legislature to the enforcement of that section of the fundamental law ever since its adoption in 1874. When it is considered that the section contains the explicit command that "the General Assembly shall enforce, by appropriate legislation, the provisions of this article," and that the members have sworn to obey the Constitution, there can be no proper defense made for the default. The wisdom of the provisions of the article is not a question for the decision of the Legislature. That was determined when the people adopted the Constitution, which is the highest and most sacred expression of their will. Neither can there be any pretense made that the people have at

all changed their minds upon the subject, or that they no longer desire their will in this regard to be enforced, or that the evils intended to be corrected have ceased to exist. The wrongs of railroad discrimination and the free-pass abuse are as actual and glaring to-day as they were when the Constitution was adopted. The people are as deeply in earnest in desiring the prevention and punishment of those wrongs as they ever were, and the justice and reasonableness of the provisions of the seventeenth article are more clear and undoubted than they have ever been.

Recent investigations have disclosed in the single matter of the coal-carrying trade how wide-spread, arbitrary, defiant, oppressive, and unjust to the people of the State have been the discriminations made by railroad corporations. I do not regard it as at all necessary to adduce facts to prove that discriminations against certain persons and places, and in favor of others, are being continually made, or that the people of this State, in an unusual degree, have suffered therefrom, even in some instances to the almost complete alienation of the benefits of some industries. These facts are so well known as to need no demonstration, and have been repeatedly laid before the public and the Legislature. Pennsylvania has been a chief sufferer from these injuries. Knowing this, the people, in the exercise of their sovereign right, deliberately inserted in their fundamental law provisions restraining corporations from continuing the injustice, and commanded their representatives, under the solemn obligation of an oath, to enforce those provisions. These regulations have their sanction in abstract justice and in principles of law that are now grave ineffaceably in our jurisprudence. They require corporations to treat all men fairly, impartially and justly, to avoid extortion, to commit no corruption, and to confine their activities to the business for which

they were created. They assert the invulnerable doctrine that railroads are public highways, that the corporations hold their franchises as trustees for the public, that the primary purpose of their creation was the public weal, and that the right of the people to regulate and control their business and tolls is a sovereign power that the Legislature cannot grant or barter away. These principles are every day becoming more and more imbedded in the law, and are receiving the sanction of judicial tribunals whenever brought before them for decision. They are no longer disputable questions, but in the contest between the power of monopoly and the people they have been settled, as all foresaw they must ultimately be settled, in favor of the people, and they have now the axiomatic force of the principles of the Bill of Rights.

What excuse can be made, then, for the persistent and unlawful refusal of the Legislature to enforce these principles, as expressed in the Constitution? Until the last session, there had not been even an attempt to give due effect to the law, and the sincere effort then made by some to bring the railroads to justice was defeated by an abortive and mocking statute that could scarcely have been more favorable to the corporations and inimical to the people had it been expressly intended to defeat the enforcement of the Constitution. Under pretense of punishing discrimination, it introduced descriptions and conditions into the definition of the offense that make it almost impossible for any action to be brought under the statute. Such conditions are not contained in the seventeenth article of the Constitution, and the Legislature has no right to interpolate them in any act intended to carry that instrument into effect. Under the act of 1883, discrimination, to be actionable, must be for a like service, under similar circumstances, upon like conditions, and in transportation from the

same place, and unless all these conditions exist, no remedy or punishment is provided. How vain and mocking is such an enactment, and how rarely, if ever, could such identity of facts exist as to support this statute! The Constitution requires no such similarity and likeness in circumstances, kind of service, conditions, and identity of place, to constitute discrimination; and to incorporate these into the law is worse than no legislation at all, and it is a sort of legislative construction of the Constitution that such conditions are requisite. All that is necessary to be done to enforce the seventeenth article is to enact penalties for a violation of the provisions of the third, fourth, fifth, sixth, seventh, and eighth sections, and to require publication by the roads of their rates of freight, by posting or otherwise. The sections referred to are, I believe sufficiently explicit to serve the purposes of a statute; but, certainly, any changes made in them should not be by incorporating into them conditions that rob them of all their vitality. Let, at least, a trial be made of an enactment of a clear letter of the Constitution, and provide adequate remedies for a violation thereof, that it may be ascertained whether the people are able to enforce their supreme will through the medium of their courts of justice. All legislation on this subject should also provide for the publication of freight rates and tolls, as otherwise unlawful charges will be difficult of proof. There is no reason why these public corporations should not transact their business publicly. It is always a suspicious omen when the executors of a trust want to keep their actions secret from the lawful beneficiaries of the trust. The act of 1883 is defective and unavailing, also, in not making any provisions respecting the consolidation of parallel or of competing corporations, or against common carriers engaging in mining, manufacturing, or other business than common carry-



ing, or against the issuing of free passes by such corporations. All these things are prohibited by the seventeenth article, and are openly carried on to-day, yet the Legislature has studiously and persistently refused to enforce the organic law. Moreover, I am perfectly clear that providing merely civil remedies against the companies for violating the law will be ineffectual in its enforcement. What is needed is the making such violations a criminal offense, punishable by the fine and imprisonment of the officers and employes knowingly committing the criminal act, as well as giving a remedy in damages to the party aggrieved, and also subjecting the corporation to investigation of its business, and, if necessary, forfeiture of its franchises. The processes of the civil courts are too slow and expensive to be effective for the individual in enforcing them against the power and wealth of vast corporations. But if the wrong to the public and against the supreme law be made a criminal offense, and the power of the Commonwealth be exerted in enforcing punishment, there will be a more reasonable hope of deterring wrong-doers and inflicting retributive justice. It is a mistake to regard the evils of such corporate wrongs as indifferent or trifling; they are of the most serious character; they vex and harass the individual citizen in his business and estate; they oppress large sections, masses, and enterprises; they build up one man and one locality at the expense of others; they meddle with the natural development of trade, and they levy impoverishing tribute upon the farmers, artisans, and consumers of one community in favor of those of another. Every day the enterprise of the independent press is disclosing the enormity of these abuses. I, therefore, urge the general Assembly, in the strongest manner, to give efficacy to the organic law in obedience to the dictates of justice, and according to their sworn



obligation, by the prompt passage of an adequate law enforcing the seventeenth article of the Constitution.

I recommend the passage of a civil service law regulating appointments in the various departments of the State Government. The doctrine which, for want of a better name, is called "Civil Service Reform," is the sound principle upon which the affairs of the people should be conducted. No amount of sneering of the advocate of such a policy can lessen the force and justice of the argument that the servants of the people should be selected for the same reasons of competency, honesty, and fitness that apply in private business. Heads of departments have no legal or moral right to treat the offices under them as a personal appendage to be used in rewarding political friends and adherents to the detriment of the public service. Every unfit appointment so made is a robbery of the public. The people are entitled to the highest ability and best service commandable by open competition for the compensation given. A public officer in the distribution of the posts under him is quite as much a trustee for the public as he is in making any other expenditure of public money, or performing any other public duty. •If, in the purchase of supplies, he should award a contract to a personal friend who supplied a poorer quality of article than could be obtained from another at the same price, no one would hesitate to call such a proceeding by its proper name of corruption. What distinction is there between such a transaction and the appointment of an unfit person to a public office simply because he is a personal or political friend? In each case, the public is deprived of the just return to which it is entitled for the money expended. The time has arrived when such practices should be stopped by the passage of a civil service law, providing for the examination of applicants for the position of given

grades, and their selection upon principles of fitness and character alone. The time and circumstances are auspicious for the inauguration of such a reform in the State service, and I trust this Legislature will promptly adopt the measures necessary for carrying it out. The civil service law adopted in New York during the last year, and that in force in Massachusetts, will serve as excellent models upon which to frame an enactment for our own Commonwealth. This reform is urgent, and demanded by the public, and while it may be delayed for a time, its accomplishment in the near future is a certainty.

I again call attention to the failure of the Legislature to apportion the State into Congressional Senatorial and Representative districts in accordance with the provisions of law and the explicit command of the Constitution. The duty has been neglected by two successive Legislatures. After the failure at the last regular session, I made an ineffectual attempt to enforce the will of the people, as expressed in the command of the organic law, by recalling the General Assembly into extra session for the purpose of performing their plain duty. The effort in this behalf was a complete failure. The two Houses remained in ostensible session for six months, during which time there was little or no sincere effort made in carrying the law into effect.

They adjourned at last with the Constitution still unobeyed, but not without easily succeeding, by sinking all their differences (which they had ostentatiously paraded for the previous six months for the purpose of defeating the law) in a coalition to over-ride the Executive veto, and take over a half million dollars of the people's money without rendering any return in service. The conviction of duty which induced me to call the extra session has not changed by reflection, and I would have again recalled the defaulting Houses

into session had I seen the slightest reason for believing they would have done anything more than deplete the public treasury. Besides this, it was evident that the people were not so unanimously in accord with the Executive in his purpose to have the Constitution obeyed, at whatever cost their representatives might choose to inflict upon them as to justify a second extra session. I, therefore, permitted the members, without recall, to go to their homes with their unearned money in their pockets, and with the record of their disregarded oaths and a defied and violated Constitution behind them. The reasons which actuated me then are set out at length in my proclamation convening the session. They are equally forceful now, and I call attention to them as my views upon the duty of the present General Assembly in the premises. The reason which made me particularly desirous, aside from the legal command, that apportionments should be made at the last session, was the fact that the two Houses were then divided in political opinion. Such a condition I believed to be most favorable to fair and just bills. The present Legislature in each branch is overwhelmingly of the same political predilection. I hope, however, that by attention to the rules laid down by the fundamental law, you will be enabled to pass equitable apportionment laws, free from partiality or partisan unfairness, to which the Executive can promptly affix his signature, and thus give effect to the direction of the Constitution and the heretofore defied will of the people.

Gentlemen of the General Assembly, I have thus laid before you my thoughts upon the condition of the Commonwealth, and have submitted to your consideration suggestions looking to the better government of the State. That this message is largely composed of recommendations having in view the correction of

errors, the eradication of abuses, and the reformation of evils, is due to my conception that such is the proper purpose of a document of this nature, and the intent of the law in authorizing its communication to the Assembly. The basis of our Government is now definitely fixed, its system established, and its policy fairly settled. We have long ago passed the creative period of our history. What is now particularly needed is the perfection of its parts, by the lopping off of extravagances, the supplying of guards and checks, the reduction of burdens, the abolition of unnecessary offices, and by the various reforms, the necessity of which is demonstrated from time to time by trial and experience. I have made it my business, as I believe it to be my duty, to carefully observe and study the Government in its practical administration, for the purpose of ascertaining what imperfections or errors there were, and what improvements could or ought to be made. In no other way could I obey the injunction that the Governor "shall take care that the laws be faithfully executed." The results of this observation and study are to some extent now laid before you. As to those suggestions that relate to open questions involving a mere matter of judgment and expediency, I make them with diffidence, and submit them to the greater wisdom of the collective bodies. As to those involving questions of duty, I speak under the express command of the organic law when I call the attention of the Legislature to laws defied, rights unenforced, and the Constitution of the people disobeyed and unexecuted.

It is my earnest desire to cooperate with the General Assembly in giving validity to enactments that will develop the greatness of the Commonwealth, insure the happiness and prosperity of the people, restrain and punish the wrongdoer, and protect and elevate the virtuous and law abiding. To the Legislature is committed a large share of responsibility in

the achievement of these results. I know of no better help to this end than a rigid study of, and compliance with, the requirements of the Constitution as an instrument of singular perfection, having in it the expressed will of the people, and breathing throughout it the pure spirit of natural justice, popular equality, and political freedom. It should be the chart and symbol of all called upon to make, expound, execute, or obey the laws.

ROBT. E. PATTISON.

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To the Senate Nominating Richard S. Edwards  
Quartermaster General of the National Guard.

Executive Department,  
Harrisburg, January 7, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Richard S. Edwards, of the city of Philadelphia, to be Quartermaster General of the National Guard of Pennsylvania, to rank from April 2, 1884.

Term, until lawfully determined or annulled.

ROBT. E. PATTISON.

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To the Senate Nominating Commissioners of the  
Board of Public Charities.

Executive Department,  
Harrisburg, January 7, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be commissioners of the Board of Public Charities, to fill unexpired terms, viz:

Herbert M. Howe, of the county of Philadelphia, from July 26, 1883, vice Thomas Beaver, resigned.

William J. Sawyer, of the county of Allegheny, from May 6, 1884, vice John W. Chalfant, resigned.

ROBT. E. PATTISON.

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To the Senate Nominating Trustees of the Hospital  
for the Insane of the South-Eastern District.

Executive Department,  
Harrisburg, January 7, 1885.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be trustees of the State Hospital for the Insane of the Southeastern District of Pennsylvania, for the term of three years from the dates set opposite their names, viz:

John F. Hartranft, of the county of Philadelphia, from June 16, 1884.

L. P. Ashmead, of the county of Philadelphia, from June 16, 1884.

Charles Hunsecker, of the county of Montgomery, from June 16, 1884.

Thomas Walter, of the county of Philadelphia, from June 16, 1884.

John B. Rhodes, of the county of Delaware, from June 16, 1884.

ROBT. E. PATTISON.

To the Senate Nominating Trustees of the Hospital  
for the Insane at Danville.

Executive Department,  
Harrisburg, January 7, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be trustees of the hospital for the insane at Danville, Pennsylvania, for the term of three years from the dates set opposite their names, viz:

Timothy O. VanAllen, Danville, June 9, 1884.

A. F. Russell, Danville, June 9, 1884.

Thomas Chalfant, Danville, June 9, 1884.

Charles R. Buckalew, Bloomsburg, June 9, 1884.

ROBT. E. PATTISON.

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To the Senate Nominating Trustees of the State  
Lunatic Hospital at Harrisburg.

Executive Department,  
Harrisburg, January 7, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be trustees of the Pennsylvania State Lunatic Hospital at Harrisburg, Pennsylvania, for the term of three years from the dates set opposite their names, viz:

A. H. Light, Lebanon, Pennsylvania, February 12, 1884.

D. A. Orr, Chambersburg, Pennsylvania, February 12, 1884.



F. Asbury Awl, Harrisburg, Pennsylvania, February 12, 1884.

A. Penn Lusk, Harrisburg, Pennsylvania, February 12, 1884.

Traill Green, Easton, Pennsylvania, June 16, 1884.

Charles L. Bailey, Harrisburg, Pennsylvania, June 16, 1884.

Levi Maish, York, Pennsylvania, October 23, 1884.

ROBT. E. PATTISON.

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To the Senate Nominating Trustees of the State Hospital for the Insane at Warren.

Executive Department,  
Harrisburg, January 7, 1885.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be trustees of the State hospital for the insane at Warren, Pennsylvania, for the term of three years from the dates set opposite their names, viz:

L. D. Wetmore, Warren county, Pennsylvania, June 10, 1884.

George W. Wright, Mercer county, Pennsylvania, June 10, 1884.

W. H. Osterhout, Elk county, Pennsylvania, June 10, 1884.

ROBT. E. PATTISON.

To the Senate Nominating Commissioners to Superintend the Construction of the State Industrial Reformatory at Huntingdon.

Executive Department,  
Harrisburg, January 7, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be commissioners to superintend the construction of the State Industrial Reformatory located at Huntingdon, Pennsylvania, from the dates set opposite their names, viz:

D. P. Miller, Huntingdon county, December 11, 1883.

William Hartley, Bradford county, June 13, 1884.

James F. Weaver, Centre county, to fill the unexpired term of Leonard Rhone, resigned.

Term, until lawfully determined or annulled.

ROBT. E. PATTISON.

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To the Senate Nominating State Fish Commissioners.

Executive Department,  
Harrisburg, January 7, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons, to be State Fish Commissioners of Pennsylvania, for the term of three years from the dates set opposite their names, viz:

Andrew M. Spangler, Philadelphia county, Pennsylvania, June 16, 1884.

James Duffy, Lancaster county, Pennsylvania, June 16, 1884.

Augustus Duncan, Franklin county, Pennsylvania, June 16, 1884.

John Gay, Westmoreland county, Pennsylvania, June 16, 1884.

Arthur Maginnis, Monroe county, Pennsylvania, June 16, 1884.

Harry Derr, Luzerne county, Pennsylvania, June 16, 1884.

ROBT. E. PATTISON.

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To the Senate Nominating Trustees of the State Hospital for Injured Persons of the Anthracite Coal Region of Pennsylvania.

Executive Department,  
Harrisburg, January 7, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be trustees of the State Hospital for Injured Persons of the Anthracite Coal Region of Pennsylvania, from the dates set opposite their names, viz:

Peter E. Buck, Schuylkill county, Pennsylvania, December 8, 1883.

James B. Reilly, Schuylkill county, Pennsylvania, April 15, 1884.

Richard Flynn, Schuylkill county, Pennsylvania, April 15, 1884.

John Wagner, Schuylkill county, Pennsylvania, April 15, 1884.

Term, until lawfully determined or annulled.

ROBT. E. PATTISON.

To the Senate Nominating Victor E. Piolett a Member of the State Board of Agriculture.

Executive Department,  
Harrisburg, January 7, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Victor E. Piolet, of the county of Bradford, to be a member of the State Board of Agriculture, to fill the unexpired term of Leonard Rhone, resigned.

ROBT. E. PATTISON.

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To the Senate Nominating Thomas J. Hudson Chief of Artillery of the National Guard.

Executive Department,  
Harrisburg, January 7, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Thomas J. Hudson, of the county of Allegheny, to be chief of artillery of the National Guard of Pennsylvania, to rank from February 11, 1884.

Term, until lawfully determined or annulled.

ROBT. E. PATTISON.

To the Senate Transmitting a Memorial of the American Forestry Congress.

Executive Department,  
Harrisburg, January 30, 1885.

Gentlemen:—

I HAVE THE HONOR HEREWITH TO FORWARD to your honorable body a memorial drawn by a committee of the American Forestry Congress, and beg leave to submit the same to the General Assembly of Pennsylvania, at the request of the Honorable George B. Loring, Commissioner of Agriculture, at Washington, D. C., who has adopted it as part of the work of the United States Department of Agriculture, as an effective mode of presenting his own views to the several State authorities on the subject it refers to.

ROBT. E. PATTISON.

U. S. Department of Agriculture,  
Washington, D. C., February 12, 1884.

Sir: I submit the accompanying paper, which has been prepared as a memorial to the Governors and Legislatures of the various States in the Union, by a convention of those interested in forestry, assembled at St. Paul, Minnesota, on the ninth day of August, 1883, for your consideration, and as part of the work of the Forestry Division in the United States Department of Agriculture.

The suggestions it contains are of great value, and should be laid not only before the authorities of each State, but before the community generally. I have adopted it with the assurance that it will meet your views, and with the hope that it will influence the action of the States on the subject with which it deals.

Truly and respectfully yours,

N. A. EGLESTON,  
Chief of Forestry Division.

Honorable George B. Loring,  
Commissioner of Agriculture.

The American Forestry Congress would respectfully invite the attention of the community to the importance of giving

early attention to measures tending to the maintenance of our forest supplies.

The very important relations that exist between a due proportion of woodlands and our agricultural welfare, resulting from their influence upon climate, their protection from drying winds, and their effect on the equalization of the water-supply for navigation, hydraulic power, and the use of cities and towns, are scarcely less worthy of serious attention, and present questions that may properly claim the notice of a legislative body.

It is well known that in every country upon the continent in Europe, systems of forest management, originating from necessity, have grown up, and that codes and regulations for the protection, working, and restoration have been devised and matured as experience led, until they have become, in a great degree, adapted to the conditions and wants of their inhabitants, in matter of timber-supply.

Although from the differences that exist between the American States and countries of Europe, as well as with respect to the tenure of the land as the structure of the laws, which would prevent any one of these European codes of forestry from being applied in America, still there are strong reasons for urging the adoption of carefully devised measures for promoting the maintenance and renewal of our forest supplies.

Since in the States and Territories of the United States, as well as in the Provinces of Canada, most of the settled portions of the country belong in fee simple to private owners, who are, usually, the actual occupants; and since the entire care and cost of management of the woodlands upon these estates must devolve upon those owners, it is evident that there can be no more effectual means devised for promoting this object than by the diffusion of correct ideas among the owners of these lands with reference to the forest interests of the country.

In the case of fisheries, another element of national wealth in which our citizens have a great interest, although the Government itself can scarcely be said to have property, it has been found that great public benefits have been derived from the information obtained and disseminated through the agency of the State Fishery commissions.

The investigations made by Government in this matter have been far beyond the means of individual enterprise, or even of associated private effort, and the operations of breeding and stocking distant waters with improved species, protection, maintenance, and restoration, which have been carried on, in

a large degree, under the patronage and intelligent direction and advice of State commissions appointed for this purpose, have greatly enhanced the value of our inland fisheries, and promise still greater benefits in the future.

These commissions exist in all the principal States of the American Union and in Canada, and their benefits are realized more and more every year as we learn of their results.

In the case of woodlands, we find in matters of public policy and the promotion of the common interest a strong resemblance with the case above cited. Information is to be collected, investigations are to be made upon questions before unknown, the introduction of new species is to be encouraged, improved and economical methods are to be made known, and the public interest is to be awakened and maintained.

Although it would be obviously inexpedient and improper to confer authority upon a commission with respect to the control and management of private property, unless in exceptional cases where a public interest was concerned, there are many ways in which it could very greatly promote the public welfare, among which we may specify the following:

1. It might institute and conduct experimental stations, either upon lands specially acquired for the purpose, or with the concurrence of institutions of learning, where facilities exist and the conditions are favorable. We would especially mention the colleges that have been aided or established by public grants as proper places for aiding in these experiments. The co-operation of individuals might doubtless be secured in many cases. These experiments should embrace, as well, questions of culture and management for the discovery of best methods as matters of scientific interest, including the study of the local climate in its relations to forestry.

2. It might establish nurseries for the supply at cost or otherwise of approved species of young trees, especial care being taken to offer those only that afford the best prospect of success and the most useful product. These young trees (or in some cases tree seeds) should be accompanied by plain and simple directions for their care and management, and the persons receiving them should be requested to report the result.

3. It might stimulate competition by the offer of prizes for plantations remarkable for their extent and excellence or for success in overcoming difficulties in planting.

4. It might reward the authors of approved essays tending to make known approved methods, or to awaken an intelligent interest in forestry, or to disseminate useful information upon any subject therein tending to promote the general welfare.



5. It might collect statistical and scientific facts having reference to forestry in its various economic and scientific relation, with the view of furnishing information in answer to private inquiry or by way of public reports.

6. It might promote an interest in the subject by the holding of public meetings for addresses and discussions upon subjects relating to forestry and rural economy.

7. It might establish at its central office a reference library and collections for illustrating its special subject, and it might very materially aid by advice and otherwise in the formation of similar means of reference and information at institutions of learning and other agencies of public utility.

8. And, finally, it could carefully study the subject of forestry as it may grow in importance, with the view of recommending for legislative action such measures as may be deemed proper for meeting the wants of the country in this matter as it comes to be better understood.

It is presumed that intelligent, capable, and public-spirited citizens might readily be found in every State who would be willing, without pay, to give reasonable attention to this subject by attending stated meetings of a board, their actual expenses being paid. With a capable and intelligent secretary, devoting his whole time to his duties, upon reasonable pay, we might confidently expect that such a board would in due time become a center of influence and an important agency for good, sustaining the expectations that gave it being, and abundantly repaying its cost in an advancement of the public welfare.

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To the Assembly Vetoing "A Supplement to 'An Act Relative to the Establishment and Jurisdiction of Magistrates' Courts in the City of Philadelphia.'"

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, January 30, 1885.

Gentlemen:—

I HEREWITH RETURN, WITHOUT MY APPROVAL House bill No. 1, entitled "A supplement to an act, entitled 'An act relative to the establishment and jurisdiction of magistrates' courts in the city of

Philadelphia, approved February 5, 1875." As far as I have been able to ascertain, the sentiment of the people of Philadelphia, is opposed to the enactment of this bill. The four additional magistrates' courts created by the bill for Philadelphia are not desired by that community. The citizens almost unanimously regard them as an unnecessary and expensive burden.

The bill, therefore, should be disapproved as creating unnecessary offices, and as legislation in defiance of the sentiment of the people of the locality affected, unless there is some other unanswerable reason demanding its enactment. Such a reason is attempted to be set forth in the preamble to the bill, which alleges a constitutional command that the four additional courts created by the bill shall be established. The argument upon which the bill is based is as follows: Section twelve of article five of the Constitution, provides that in Philadelphia there shall be established for each thirty thousand inhabitants one court not of record of police and civil causes. The population of Philadelphia at the time of the adoption of this provision was such as, at the rate of one court for every thirty thousand, to require the establishment of twenty-four courts. Accordingly, the act of May 5, 1875, was passed, establishing that number of courts.

It is now maintained by the friends of the bill that the population of Philadelphia is at least one hundred and twenty thousand more than it was in 1875, and that, therefore, the claim of the Constitution above referred to requires that four more courts shall be established because of the increased population. I am obliged to dissent from this interpretation of the law. Section twelve of article five is not in its language a continuing command, and, considered analogously with other parts of the Constitution, it was not intended to be. The command of this section relates only to the first establishment of magistrates' courts.

It does not require the establishing of courts from time to time at the rate of one for every thirty thousand of population, but, having abolished the office of alderman, it commands that there shall be at once established in place thereof magistrate courts to the number of one for every thirty thousand of population. This required twenty-four courts, and no more, and the Constitution might have used that number instead of the ratio of population. Had the definite number instead of the ratio been used, no one would have doubted the meaning of the section; but the ratio is only a method of ascertaining the number, and cannot of itself give a continuing effect to language that otherwise would have no such meaning. In other parts of the Constitution, where the legislation was made to depend on the increase or decrease of population from time to time, language is used that leaves no doubt of the intention to make a continuing provision; as, for instance, the command that the State shall be apportioned into the legislative districts immediately after each decennial census, and the provision of section five of the judiciary article, that wherever a county shall contain forty thousand inhabitants it shall constitute a separate judicial district. These clauses are both obviously clear and undoubted commands of continuing force.

Moreover the debates in the Constitutional Convention upon the clause as to magistrate courts, though repeatedly referring to the number of courts to be first established, do not allude to any possibility of an increase in their number from time to time by virtue of any provision of the section. (See *Debates of Convention*, volume IV, 277, 278, 291, 292, 302.) It seems to me, therefore, that there is no reason to give to the section any other meaning than what its language plainly conveys on its face. It was a direction to establish one magistrate court for every thirty thousand

of its population then and there. This the Legislature did by the act of 1875, and the force of the command ceased with the legislative obedience.

Besides, there was no need for the framers of the Constitution to do more than provide for the immediate requirements of the city of Philadelphia as to magistrate courts, the judiciary article containing elsewhere ample authority to make provision for any necessities that might arise for additional courts without inserting in the Constitution an inflexible and continuing rule requiring new courts to be constantly established with each increase of thirty thousand in population. There is, therefore, no reason either in the language of the section or in the necessities of the subject required a continuing effect to be given to the command to establish a given number of courts. Believing that there is no constitutional command requiring the passage of this bill, and that the offices created by it are needless and not desired by the people, I would for these reasons alone withhold my approval.

There are other reasons, however, which induced me to decline signing this bill. The Constitution, in section seven of Article III, prohibits absolutely the passage of certain kinds of special legislation. Among others, it prohibits the passing of any local or special law "regulating the affairs of counties, cities, townships, wards, boroughs, or school districts, and creating offices or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election or school districts."

The bill herewith returned is undoubtedly a local and special law, and if it is true that there is no constitutional command requiring its passage, then it is clearly prohibited by the section above quoted. It seems to me beyond dispute, that, in the absence of any such peremptory command, this bill could not be

lawfully passed under any circumstances. Suppose, however, that such a command exists—does that command exempt the bill from the necessity of previous publication required for all forms of special legislation by section 8 of Article III? This may well be doubted. Section 8 provides that no local or special laws shall be passed without publication. Notice of the intention to apply for the passage of this bill was not published. What immunity has it from the provisions governing all other special bills? Section 8 contains no such exemptions. I confess I doubt, however, whether a clear command of the organic law for the passage of an enactment is not equivalent or superior to notice by publication—whether it is not of itself publication. Another objection suggests itself as to the manner in which this bill underwent the preliminary stages of passage.

The 2d section of Article III provides that no bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members. The journals of the Legislature show that when this bill was introduced in the House it was referred for consideration to the members from Philadelphia and in the Senate to the Senators from that city. This action took place before the presiding officers had announced the committees of the two Houses. Was this a compliance with the section of the Constitution last quoted? That section recognizes the committees of the two bodies as a necessary part of their organization, with specified functions. Is a reference to a delegation or part of a delegation a reference to a committee within the meaning of the Constitution? The bill throughout its passage was subjected to phenomenal haste, and in one of the Houses, at least, not more than fifteen minutes elapsed from its reference to its first reading, and this before a com-

plete organization was effected. As establishing a precedent for future imitation this unwonted speed should be subjected to careful scrutiny.

Moreover, suppose all the objections suggested should be determined in favor of the bill, what evidence is there that the present population of Philadelphia entitles it to the four additional courts created? The preamble to the bill bases the right to these courts upon the census of 1880. Since then over four years have elapsed, and a decrease of but six thousand nine hundred and eighty-one inhabitants would make this bill unlawful upon the theory on which it is founded. Two Legislatures have been in session since the census of 1880, and neither of them seem to have regarded the population of the city as sufficient to call for an increase of courts. Are these two Legislatures to be charged with a failure to perform their bounden duty in this respect, or is their inaction to be taken as a legislative declaration that the population of the city was insufficient to justify an addition to the number of magistrates? Is not the Executive bound, when so tardy an assertion of right is made, to inquire carefully upon what it is now based? As a matter of fact, I question whether the population of 1880 is now maintained, and the preamble to the bill studiously abstains from declaring that the population is now what it was in 1880.

In this respect the preamble lacks completeness, and I feel obliged to regard the failure to assert a necessary fact as evidence that such fact could not be truthfully asserted. For the four reasons above set forth I withhold my approval. If I have been solicitous to discover objections to this legislation, it is because of my unhesitating belief that the measure is opposed by an overwhelming majority of the people of Philadelphia, and because it imposes on that community a needless and expensive burden. I would be gratified



to co-operate with the Legislature in the prompt passage of all the legislation commanded by the Constitution, of which there is much of the most important nature that has for a decade remained unenacted. The bill now, returned, however, I do not believe to come within that description.

ROBT. E. PATTISON.

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To the Senate Nominating Trustees of the Hospital  
for the Insane at Danville.

Executive Department,  
Harrisburg, February 24, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be trustees of the State Hospital for the Insane at Danville, for the term of three years, viz:

D. M. Boyd, Danville, Montour county.

B. H. Detwiler, Williamsport, Lycoming county.

Stuben Jenkins, Wyoming, Luzerne county.

B. H. Throop, Scranton, Lackawanna county.

Charles S. Minor, Honesdale, Wayne county.

ROBT. E. PATTISON.

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To the Senate Nominating Edward O. Shakespeare  
General Inspector of Rifle Practice.

Executive Department,  
Harrisburg, February 24, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Edward O. Shakespeare, of the city of Philadelphia, to be general inspector of



rifle practice, of the Commonwealth of Pennsylvania, vice George Sanderson, junior, resigned.

Term unlawfully determined or annulled.

ROBT. E. PATTISON.

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To the Senate Nominating James Young a Member  
of the Board of Agriculture.

Executive Department,

Harrisburg, February 24, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, James Young, of the county of Dauphin, to be a member of the State Board of griculture for the term of three years.

ROBT. E. PATTISON.

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To the Senate Nominating Trustees of the State  
Lunatic Hospital at Harrisburg.

Executive Department,

Harrisburg, February 24, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Henry Gilbert, of the county of Dauphin, and Robert A. Lamberton, of the county of Northampton, to be trustees of the Pennsylvania State Lunatic Hospital at Harrisburg, for the term of three years.

ROBT. E. PATTISON.

To the Senate Nominating Managers of the Western  
Pennsylvania Hospital.

Executive Department,  
Harrisburg, February 24, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be managers of the Western Pennsylvania Hospital, for the term of one year, viz:

Charles E. Boyle, Fayette county.

E. A. Wood, Allegheny county.

W. S. Brown, Erie county.

ROBT E. PATTISON.

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To the Senate Transmitting a Communication from the Secretary of War, with a Draft of "An Act Consenting to the Purchase of a Certain Tract of Land in the City of Philadelphia by the United States for a National Cemetery and Ceding Jurisdiction to the United States Over the Same, and Also Over the Gettysburg National Cemetery."

Executive Department,  
Harrisburg, February 27, 1885.

Gentlemen:—

**I** HAVE THE HONOR HEREWITH TO TRANSMIT to the General Assembly a communication from the Hon. Robert T. Lincoln, Secretary of War, accompanying a draft of an act, entitled "An act consenting to the purchase of a certain tract of land in the city of Philadelphia by the United States for a National cemetery, and ceding jurisdiction to

the United States over the same, and also over the Gettysburg National Cemetery."

I am, gentlemen,

Very truly yours,

ROBT. E. PATTISON.

War Department,

Washington City, February 25, 1885.

Sir: In accordance with recommendation of the Quartermaster General of the Army, I have the honor to inclose herewith a draft of a bill providing for the cession, by the State of Pennsylvania to the United States, of jurisdiction over the grounds acquired by the Government for the national military cemeteries at Philadelphia, and Gettysburg, Pa., and to ask that the subject may be brought to the attention of the Legislature at an early day, with request for action thereon during its present session.

Very respectfully,

Your obedient servant,

ROBERT LINCOLN,

Secretary of War.

The Governor of the State of Pennsylvania, Harrisburg, Pa.

#### AN ACT

Consenting to the purchase of a certain tract of land in the city of Philadelphia by the United States for a National cemetery, and ceding jurisdiction to the United States over the same, and also over the Gettysburg National Cemetery.

1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the consent of this Commonwealth is hereby granted to the purchaser, by the United States of America, of a certain tract of land in the Twenty-second ward of the city of Philadelphia, described and bounded as follows: Beginning at the corner of the Limekiln Turnpike Road, and the road leading to the York Turnpike Road, called Meeting-House Lane, now Haines street; thence, extending along the side of the said Limekiln Road, north, twenty-two degrees, and fifty minutes west, thirty-four  $\frac{57}{100}$  perches, to a corner of land now, or late, of John Andrews; thence, by the same, south sixty-five degrees and forty-two minutes west, thirty-four  $\frac{84}{100}$  perches, to a corner

of ground now, or late, of Mary F. Belton, of which this was part: thence, by the same, south sixty-five degrees and twelve minutes west, twenty-five  $\frac{89}{100}$  perches, and still by the same, south twenty-six degrees and twenty-five minutes east, thirty-six  $\frac{76}{100}$  perches to said road leading to the York Turnpike Road, commonly called Meeting-House Lane, or Haines street, and thence, along the side of the same, north sixty-three degrees and fifteen minutes east, fifty-eight  $\frac{81}{100}$  perches, to the place of beginning, containing thirteen (13) acres, one (1) rood, eleven  $\frac{7}{16}$  (11  $\frac{7}{16}$ ) perches of land, more or less, known as the Philadelphia National Military Cemetery;

And jurisdiction over said tract of land is hereby ceded to the United States, subject to the condition that this State retains concurrent jurisdiction with the United States over the said lands, so that courts, magistrates, and officers of this State may take such cognizance, execute such process, and discharge such other legal functions within the same, as may not be incompatible with the consent hereby given.

2. Similar jurisdiction, with the like limitation, is hereby ceded to the United States over the tract of land known as the "Gettysburg National Cemetery," in Adams county, being the same tract conveyed, under the authority of an act of the General Assembly of this State, passed April 14, 1868, and of an act of the Congress of the United States, approved July 14, 1870, by the commissioners, having charge of such cemetery, to the United States by deed dated April 18, 1872, recorded in deed-book D.D., pp. 216, 217, and 218 of the records of Adams county, Pennsylvania.

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To the Senate Transmitting a Communication from the Secretary of War Concerning a "Resolution Relative to the Purchase by the United States of Certain Lands Contiguous to the Frankford Arsenal, in Philadelphia County."

Executive Department,  
Harrisburg, March 16, 1885.

Gentlemen:—

I HAVE THE HONOR HEREWITH TO TRANSMIT to the General Assembly a communication from the Honorable William E. Endicott, Secretary of War, covering a copy of a proposed act to

amend a resolution, approved April 6, 1849, entitled "Resolution relative to the purchase by the United States of certain lands contiguous to the Frankford arsenal, in Philadelphia county." The draft of the proposed act is herewith inclosed.

ROBT. E. PATTISON.

#### AN ACT

To amend a resolution approved April 6, 1849, entitled "Resolution relative to the purchase by the United States of certain lands contiguous to the Frankford arsenal, in Philadelphia county."

Section 1. Be it enacted, etc., That the last clause of the resolution approved the sixth day of April, one thousand eight hundred and forty-nine, entitled "Resolution relative to the purchase by the United States of certain lands contiguous to the Frankford arsenal, in Philadelphia county," which said clause is as follows: "And provided, That the jurisdiction over the said premises in civil and criminal cases be the same as before the passing of this resolution," be, and the same is hereby, amended so as to read as follows: "And provided, That the said Commonwealth of Pennsylvania shall retain a concurrent jurisdiction with the United States over the said premises so far as that civil process in all cases, and such criminal process as may issue under the authority of the said Commonwealth against any person or persons charged with crimes committed without the said premises, may be executed thereon the same as before the passing of this resolution."

Washington City, March 10, 1885.

Sir: I have the honor to advise you that it appears from papers submitted to this department, in connection with the proposed construction of a new target on the firing-range at Frankford arsenal, Philadelphia, Pennsylvania, that, by the act of the Pennsylvania Legislature of the 13th of June, 1840, jurisdiction was ceded to the United States over the original tract, (Frankford arsenal,) the State reserving the right to execute civil and criminal processes within the arsenal grounds; but, by the resolution of the Legislature of Pennsylvania of April 6, 1849, relative to the purchase of an adjoining tract, on which the target is to be erected and the firing is to be done, it does not appear that it ceded jurisdiction at all.

The above-mentioned act of April 6, 1849, says: "And pro-

vided, That the jurisdiction over the said premises in civil and criminal cases be the same as before the passing of this resolution." Under these circumstances, it would seem necessary, before any firing could be done upon the range, that a special license must be procured from the Governor of Pennsylvania, under the old law of 1721, which license might be revoked at his pleasure.

It being important, before erecting a costly structure, to have the status of the United States, as regards its rights over the arsenal property, determined, the matter was referred by this department to the Honorable Attorney General, with the request that he instruct the proper United States attorney to take such steps as the necessities of the case might seem to require.

The Attorney General has returned the papers in the case with the remark that "the difficulty in the matter lies in the terms employed by the Legislature of the State of Pennsylvania in giving its consent to the purchase of the property by the United States." He suggests that this difficulty might be removed by an amendatory act, and incloses a draft of an act designed to accomplish this purpose.

In view of the facts above presented, I have the honor to inclose herewith the above-mentioned proposed draft of an act to amend a resolution of the Legislature of the State of Pennsylvania, approved April 6, 1849, entitled "Resolution relative to the purchase by the United States of certain lands contiguous to the Frankford arsenal, in Philadelphia county," and beg to request that such action be taken by yourself in the premises as will secure its adoption by the Legislature of Pennsylvania at an early date.

Very respectfully,

Your obedient servant,

WILLIAM E. ENDICOTT,

Secretary of War.

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### First Arbor Day Proclamation. 1885.

"Ye may be aye stickin' in a tree, Jock; it will grow when ye're sleepin'."



monwealth.

I N THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. ROBERT E. PATTISON, Governor of the said Com-



## ARBOR DAY PROCLAMATION.



To aid in the systematic encouragement of Tree-planting throughout our various communities; to awaken and cultivate among the young a taste for the study of Nature, and some knowledge of the necessary profit and delight of agricultural pursuits; to arouse public attention to the necessity of preserving and perpetuating to a proper degree the Forests of the State, that we may escape the threatening peril of their wanton destruction, and to carry out the concurrent resolution of the General Assembly, approved the seventeenth day of March, Anno Domini one thousand eight hundred and eighty-five, to wit:

"Resolved, by the Senate, (if the House of Representatives concur), That the Governor of the Commonwealth be requested to appoint a day to be designated as Arbor Day in Pennsylvania, and to recommend, by proclamation, to the people on the day named, the planting of trees and shrubbery, in Public School grounds and along Public Highways, throughout the State."

I, therefore, do hereby appoint

THURSDAY, THE 16TH DAY OF APRIL, A. D. 1885,  
to be observed throughout the State as

## ARBOR DAY.

And I recommend that the people of the Commonwealth do, on that day, plant trees along the streets, by the road sides, in parks and commons, around public buildings and in waste places; that they distribute information in regard to trees, shrubbery and forests, and that they encourage tree-planting in every way possible.

Given under my Hand and the Great Seal of the Commonwealth this twenty-third day of March, in the



year of our Lord, one thousand eight hundred and eighty-five, and of the Commonwealth the one hundred and ninth.

ROBERT E. PATTISON,  
Governor.

By the Governor.

W. S. Stenger,  
Secretary of the Commonwealth.

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To the Senate Nominating E. E. Higbee Superintendent of Public Instruction.

Executive Department,  
Harrisburg, April 1, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, E. E. Higbee, of the county of Lancaster, to be Superintendent of Public Instruction for the term of four years, to date from April 1, 1885.

ROBT. E. PATTISON.

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To the Senate Nominating Charles Porter a State Fishery Commissioner.

To the Honorable the Senate of Penn.:

Executive Department,  
Harrisburg, April 6, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Charles Porter, of the county of Erie, to be State Fishery Commissioner, vice James Duffy, resigned.

ROBT. E. PATTISON.

To the Senate Transmitting Certain Resolutions of  
Citizens of Pennsylvania Adopted at a Meeting  
Held in New Orleans March 31st, 1885.

Executive Department,  
Harrisburg, April 6, 1885.

To the Honorable the Senate and House of Representa-  
tives:

Gentlemen:—

**I**N PURSUANCE OF A REQUEST FROM CITI-  
zens of Pennsylvania, I herewith transmit to the  
General Assembly a preamble and resolutions  
adopted by them at a meeting held in the city of New  
Orleans, Louisiana, on the 31st day of March, 1885.

ROBT. E. PATTISON.

To the Governor of the State of Pennsylvania, Harrisburg, Pa.  
New Orleans, March 31, 1885.

To His Excellency, R. E. Pattison, Governor, Harrisburg,  
Pennsylvania:

Dear Sir: In pursuance of the action of a regularly-called  
meeting of Pennsylvanians held here to-day at the exposition  
grounds, I have the honor to forward to your Excellency the  
inclosed preamble and resolutions that were unanimously  
adopted.

Very respectfully yours,

J. H. SCHENCK,  
Secretary.

Whereas, The Pennsylvania State exhibit contains a complete  
collection of all the natural resources and many manufactured  
products of our State, handsomely displayed and tastefully  
arranged, comparing favorably with exhibits of other States  
that have expended \$10,000 and upwards;

And whereas, Both Commissioner Thomas and his wife have  
given so earnest a devotion to this work that, had it not been  
for their personal labors and the advancing of their private  
means, our State would have been without a respectable repre-  
sentation in the Government and State building in the exposi-  
tion; therefore,

Resolved, That we believe it to be wrong for the great Com-  
monwealth of Pennsylvania to expect that our commissioner  
shall longer continue to maintain the State exhibit at his indi-  
vidual expense;

Resolved, That we, therefore, pray the State Legislature now in session to pass an appropriation bill sufficient to maintain the State exhibit to the close of the exposition, return the goods to their owners, and also to provide for the needful outlay for a State day in keeping with the honor of Pennsylvania and in favorable comparison with similar celebrations of sister States.

J. W. SIMONTON,  
Chairman.

J. H. SCHENCK,  
Secretary.

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To the Senate Nominating Commissioners to Revise  
the Mining and Ventilation Laws in the Bituminous  
Coal Regions of the State.

Executive Department,  
Harrisburg, April 6, 1885.

Gentlemen:—

**I**N ACCORDANCE WITH THE PROVISIONS OF an act of the General Assembly of the Commonwealth of Pennsylvania, approved March 31, 1885, I have appointed the following-named gentlemen commissioners "to revise the mining and ventilation laws in the bituminous coal regions of the Commonwealth," to wit:

Senators.—Honorable H. J. Humes, (Crawford,) Abner Ross, (Greene,) and F. H. Agnew, (Beaver.)

Representatives.—Honorable James R. Burns, (Erie,) A. M. Neely, (Clarion,) Jesse M. Howell, (Fayette,) A. C. Robertson, (Allegheny,) and John Lowry, (Indiana.)

Inspectors.—First district, James Louttit, Washington county; Second district, John J. Davis, Armstrong county; Third district, Thomas K. Adams, Mercer county; Fourth district, Roger Hampson, Sullivan county; Fifth district, Augustus Stinner, Allegheny county, and Sixth district, John M. Watt, Allegheny county.

Miners. — First district, John Cunningham, Allegheny county; Second district, George E. Sprague, Westmoreland county; Third district, Henry C. Smith, Lawrence county; Fourth district, James Passmore, Centre county; Fifth district, Hugh Stilwagon, Fayette county, and Sixth district, Joseph Delahant, Clearfield county.

Operators. First district, Samuel O'Neill, Allegheny county; Second district, F. Z. Shellenberg, Westmoreland county; Third district, J. Frank McNutt, Clarion county; Fourth district, Daniel Laughman, Blair county; Fifth district, Presly Moore, Fayette county, and Sixth district, George M. Brisbin, Clearfield county.

ROBT. E. PATTISON.

To the Assembly Vetoing "An Act to Provide an Additional Law Judge in the Fifteenth Judicial District."

Executive Department,  
Harrisburg, April 13, 1885.

Gentlemen:—

I HEREWITH RETURN, WITHOUT MY SIGNATURE, Senate bill No. 15, entitled "An act to provide an additional law judge in the Fifteenth judicial district."

The number of judges in the Commonwealth is already so large, and the expense of maintaining the judicial system so great, that an addition to either can only be justified by the most urgent necessity or the plainest constitutional command. In the judgment of the Executive, no such reason exists for the

passage of the bill. The judicial apportionment act was passed at the extra session of the Legislature, a little more than eighteen months ago. The Fifteenth judicial district, as at present existing, was constituted by that act. Is it reasonable to suppose that anything has occurred since then requiring the additional judge given to that district by this bill? The county of Chester has not, since then, increased its population to any considerable extent, nor has anything occurred to appreciably augment its judicial business.

For all practical purposes it is correct to regard the condition of that county to day as being the same that it was at the time of the extra session. Why, then, should the general law passed at that session be now changed by the addition of another judge? I can conceive of no reason for the increase, and, therefore, decline giving it the sanction of my signature. The habit of frequently tinkering at general apportionment laws is to be condemned. The Constitution commands that the judicial districts of the State shall be apportioned every ten years. While authority is also given to create additional courts and judges from time to time, the fundamental law undoubtedly contemplates that, except in rare cases and for urgent reasons, the decennial apportionment should remain unchanged for ten years. The idea of a permanent general statute, to be of force for a decade, underlies the Constitutional provision commanding the decennial apportionment. The present bill conflicts with that purpose without, to my mind, any adequate reason.

Experience and the judgment of the most thoughtful men concur in the belief that the judicial system suffers in dignity, usefulness, and public respect by having too numerous a body of judges. The people, I believe, would welcome a change which would reduce the number of judges. It is certain that no increase is demanded, and none, I think, would be useful. We

have almost reached the extreme limit, where any addition to the ranks of judges is very likely to cheapen the judicial office and impair its dignity. For these reasons I withhold my approval.

ROBT. E. PATTISON.

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To the Assembly Vetoing "An Act Providing for Additional Copies of Smull's Legislative Hand-Book."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, April 25, 1885.

Gentlemen:—

**I** HEREWITH RETURN WITHOUT MY APPROVAL House bill No. 393, entitled "An act providing for additional copies of Smull's Legislative Hand-Book."

Existing statutes provide for the printing of ten thousand copies of the hand-book, which number has been accordingly published and distributed. The present bill authorizes the State Printer to furnish the Legislature for its use fifteen thousand additional copies of the book.

It seems to me this is unnecessary extravagance, for which the State would receive no adequate return. The fact that the book contains information which may be interesting or useful to many is no reason why the State should supply it profusely to the citizens. The same argument would avail to justify making the Government the publisher and gratuitous distributor of many other volumes of generally useful public information. The reasoning would be quite



as good, or better, for the free distribution of Purdon's Digest, and this, indeed, was the excuse invoked years ago for great extravagance in the issue of that work, which waste is now happily stopped.

The utility of Smull's Hand-Book, or the need of a general dissemination of the information it contains, as a governmental measure, is more fanciful than real. While it may be gratifying to the legislators to be able to distribute such books, more curious than needful, to their constituents, it seems to the Executive that the existing laws make ample provisions for this purpose, and that the passage of the bill entails upon the State uncalled-for expense.

The bill authorizes the cost of the proposed additional fifteen thousand books to be at the same rate as the contract provides for those already issued. It would seem as though the additional copies ought, in fact, to be published at a much less rate than the first issue. The custom with printing establishments is ordinarily to make a considerable reduction in the price of additional impressions beyond the first number contracted for. This rule ought to be available for the State in such matter as well as for individuals. If I had no other objection to the bill, therefore, I would disapprove it for this reason alone. While the State Printer would be helped out in his contract, the State would be paying more than she ought to pay for the work done.

My objection, however, is to the whole object of the bill and the system of enlargement of contracts upon which it is based.

ROBT. E. PATTISON.



To the Senate Nominating J. Montgomery Forster  
Insurance Commissioner.

Executive Department,  
Harrisburg, May 4, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, J. Montgomery Forster, of the county of Dauphin, to be insurance commissioner for the term of three years.

ROBT. E. PATTISON.

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To the Senate Nominating Managers of the Pennsylvania Reform School at Morganza.

Executive Department,  
Harrisburg, May 4, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named persons to be managers of the Pennsylvania reform school, situate at Morganza station, Washington county, Pennsylvania, until the first Monday of May, 1899, viz: John J. Gillespie, John N. Neeb, James Allison, Thomas Wightman, William B. Lupton, John B. McBride, James M. Thomas, Joseph A. Goulden, and Isidore Collentz, until the first Monday of May, 1887.

ROBT. E. PATTISON.

To the Assembly Vetoing "An Act to Prevent the Acquisition of Rights of Way by User Across Lands Belonging to Schools, Seminaries, Universities, and Colleges in This Commonwealth."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, Pa., May 7, 1885.

Gentlemen:—

**I** HEREWITH RETURN WITHOUT MY APPROVAL House bill No. 37, entitled "An act to prevent the acquisition of rights of way by user across lands belonging to universities and colleges in this Commonwealth."

The object sought to be attained by this bill may be in some respects desirable, but I do not think it of sufficient importance or so exclusively dependent upon this measure for its attainment as to call for the staying of the operation of a general law of property as old as the common law itself. The exigencies ought to be great that would justify an exception being made in favor of any one as against a legal principle of so ancient, approved and universal operation.

As the user requisite for acquiring a right of way must be adverse and continuous for twenty-one years, these institutions can protect their lands from being subjected to the easement by a temporary stoppage of the user at intervals of every twenty years. This could be done at very little inconvenience, and it is better that the colleges should resort to this method than that the operation of the general law should be stayed for their especial benefit.

The bill also is so drafted as to admit of the construction that lands now belonging to universities and colleges could never hereafter be subject to the acquisition of easements of this character, even though

they should pass out of the ownership of such institutions to that of individuals. The bill at once absolutely exempts all such lands, not merely so long as they are owned by the universities and colleges, but forever hereafter; if the colleges should sell the lands, they should be purchased with the exemption inhering in them.

I am informed, as a matter of fact, that the bill is intended for the relief of one only, or not more than two institutions.

If so, this is a small peg on which to hang so important a statute. "Hard cases make bad laws."

ROBT. E. PATTISON.

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To the Assembly Vetoing "An Act to Fix the Number of Senators in the General Assembly of the State, and to Apportion the State into Senatorial Districts, as Provided in the Constitution."

Executive Department,  
Harrisburg, May 12, 1885.

Gentlemen:—

I HAVE RECEIVED FROM YOU FOR APPROVAL Senate bill No. 64, entitled "An act to fix the number of Senators in the General Assembly of the State, and to apportion the State into senatorial districts, as provided in the Constitution."

I seriously doubt whether this bill, in its present condition, is a proper subject for executive approval. The Constitution commands that the Legislature, "immediately after each United States decennial census, shall apportion the State into senatorial and representative districts." This bill apportions it into Senatorial districts only. It is, therefore, but a partial com-

pliance with the constitutional command, and, I incline to believe, an incomplete and defective act of legislation. The direction of the law is that the State shall be apportioned into both senatorial and representative districts, and an apportionment into senatorial districts only is not an "apportionment," within the meaning of the Constitution. A consideration of the effect that might result from the enactment of a bill such as the one sent to me will, I think, prove that it is defective in its formal contents. If I should approve this measure, it is possible that, from a number of causes, the Legislature might adjourn without passing an act apportioning the State into representative districts; or a representative apportionment bill might be sent to me which I would feel it to be my duty to disapprove. Under any of these circumstances we would have the illogical and inconsistent condition of a General Assembly with the members of the Senate elected under an apportionment based upon the census of 1880, and the members of the House elected under an apportionment based upon the census of 1870. Such a condition was undoubtedly never contemplated by the framers of the Constitution, and I feel sure is not intended by this Legislature. The only apportionment known to the fundamental law, or authorized by it, is one which divides the State into both kinds of districts, and it seems to me that a bill which does not disclose a purpose to deal fully with the appointed subject is formally imperfect. Surely, the Executive ought not to be asked to give his approval to a measure that might give rise to the condition of affairs I have pointed out above. I am further moved to this conclusion not alone by a study of the text of the Constitution, but also by the fact that since 1790, each apportionment of the State into senatorial and representative districts has been embraced in one bill. It is true that some acts containing partial apportionments have

been passed, but they have been supplements or amendments to the general laws, and their constitutionality has been doubted.

Not wishing, however, to disapprove the bill sent to me upon this ground alone, if I should find it otherwise a proper enactment, and being sincerely desirous that the Constitution shall be obeyed by the passage of a complete and valid apportionment, I respectfully request the Legislature to withdraw the bill now in my possession with a view to the consideration of the suggestion herein made. As there is at the present moment a bill on your calendars dividing the State into representative districts, the act sent to me can be so amended as to constitute a complete apportionment of the State as directed by the Constitution. No time will be lost by adopting this suggestion, and a possible serious mistake will be avoided.

While the considerations I have presented may not be conclusive with the Legislature upon the point suggested, yet they certainly raise a question of reasonable doubt, and, as this doubt may be so easily removed in the way stated, I hope for this purpose the bill will be withdrawn.

ROBT. E. PATTISON.

To the Assembly Vetoing "An Act Authorizing and Requiring the County Commissioners in Each County in the State to Appoint a Sufficient Number of Suitable Persons in Each Township and Ward of Their County, at the Expense of the County, to Look After, Bury, and Provide a Headstone for the Body of any Honorably Discharged Soldier, Sailor, or Marine Who Served in the Army or Navy of the United States During the Late Rebellion, or any Preceding War and Shall Hereafter Die in Their County, Leaving Insufficient Means to Defray the Necessary Burial Expenses."

Executive Department,  
Harrisburg, May 8, 1885.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY SIGNATURE, House bill No. 10, entitled "An act authorizing and requiring the county commissioners of each county in the State to appoint a sufficient number of suitable persons in each township and ward of their county, at the expense of the county, to look after, bury, and provide a headstone for the body of any honorably discharged soldier, sailor, or marine who served in the army or navy of the United States during the late Rebellion, or any preceding war, and shall hereafter die in their county leaving insufficient means to defray the necessary burial expenses."

The bill requires the commissioners of every county in the State to appoint in every ward and township in their respective counties such number of persons as they shall deem "sufficient," who shall hold their offices during the pleasure of the commissioners, and be charged with the following duties: To "look after and cause to be buried, in a decent and respectable manner, in any cemetery or burial ground within the State, other than those used exclusively for the burial

of the pauper dead," the bodies of honorably discharged soldiers, sailors, or marines who served in the army or navy of the United States in the late Rebellion, or any preceding war, and who may die leaving insufficient means to pay for their burial. For the cost of every such burial, to the amount of thirty-five dollars, the county commissioners are required to draw warrants upon the treasurer of the county, "to be paid out of the fund of the county." After such burial, the commissioners are required to erect over every such grave a headstone of such design and material as they think proper, inscribed with the name of the person and the organization in which he served, and for the payment of the expense of every such headstone the commissioners are authorized to draw a warrant to the amount of fifteen dollars, which "shall be paid out of the funds of the county in which said soldier, sailor or marine died."

This bill is a remarkable exhibition of the unwarranted and preposterous extent to which a most laudable and patriotic sentiment may be carried. That principle which induces governments to pension and provide for injured and destitute soldiers is founded in wise policy as well as dictated by the spirit of a liberal humanity. The United States and our own Commonwealth have carried this principle into their laws with no niggard hand. Thoughtful patriots have not hesitated to say that all has been done in this direction that the most generous and grateful of governments ought to do consistently with common prudence and wise public policy, and that the limit has been reached beyond which liberality will become extravagance and benevolence breed abuse. The bill herewith returned is a striking proof of the justice of such warnings, and an illustration of the thoughtlessness and crudity that may characterize legislation enacted under the pressure of misguided charity. By this bill, any man who



fought in the United States army in any war, and who dies in any county of the State without leaving sufficient means for his burial, immediately becomes a charge upon that county for his burial to the amount of fifty dollars. He may never have had a residence in the county; he may even never have been a citizen of the State; he may not have been wounded, or become diseased or disabled in the public service; he may die as the result of his vices or his crimes, by accident or by his own hand; he may have enjoyed and wasted the bounty of the Federal Government or of the State for years; he may die in the perpetration of a felony, or be a criminal fleeing the justice of another jurisdiction; but no matter who he is or what else he has been, if he served in the army or navy of the United States in any war, and dies destitute in any county, that county must bury him at an expense of thirty-five dollars, and erect a headstone over his grave at a cost of fifteen dollars.

A destitute soldier of the Mexican war who enlisted from the State of New Jersey, and who all his life has been a resident of that State, may go into Philadelphia and die there, or one from the State of New York may wander into and die in any county on our northern border, and in each case the county in which the soldier dies becomes liable for an expenditure of fifty dollars for his burial. And so of destitute soldiers coming into our Commonwealth from any other State—no matter how they come, or what caused their destitution, so that they get into our State and die here, this bill operates to charge the counties which may be so unfortunate as to be the places of their death with the cost of their burial. Could any bill be more void of intelligent principle or based upon so little reason? No guard of any kind is provided to protect the counties from imposition, and no account whatever is taken of any of the many circumstances that in the

most liberal pension laws that were ever enacted are always made an indispensable condition for the enjoyment of their bounty. It is impossible to conceive of any reason why a soldier who was never credited to Pennsylvania, who never reflected any honor upon her arms, who never contributed, by industry, citizenship, or otherwise, to her prosperity, should, by the mere accident of death within her borders, be entitled, no matter what his character or life may have been, to the burial this bill provides at the expense of one of the counties. The lowly citizen of our State, who, though not a soldier, has spent all his life within our Commonwealth, supporting her institutions, and dignifying her reputation by virtue, sobriety, and industry, and who through misfortune dies a pauper, can claim no such privilege as this bill gives indiscriminately to strangers of whatever character. He must receive a pauper's burial. It is quite possible to conceive, if this bill should become a law, that neighboring States might rapidly be relieved of much of their unproductive soldier population to the marked increase of that class in our own State.

The machinery provided by the bill for carrying out its provisions also calls for notice. It authorizes and makes it the duty of the county commissioners to appoint an indefinite number of persons in every ward and township of the State, who are to be the officers having in charge the burials in their respective wards and townships. This means the creation of many hundreds—possibly thousands—of officials, and while the bill provides that they shall serve without compensation, yet experience shows that official duties invariably entail official expense, and it is not probable that these functionaries would be any exception to the rule. Apart from this, however, it is always an objection when legislation creates an undue number of officers—which this bill undoubtedly does.

It may well be questioned, also, whether the provisions of this measure fall within the scope of the legislative power. It will be observed that it does not appropriate the money of the State, but attempts to direct the bounty of the counties. It commands that certain political sub-divisions of the State shall perform certain charitable acts—not generally, as in establishing a poorhouse or the like, which is an exercise of the general police power of the State, but specially, in a special manner, with reference to a special class and at a special definite cost. Without now deciding the question, the Executive would suggest that the bill requires considerable stretch of legislative power to justify its principle.

ROBT. E. PATTISON.

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To the Senate Nominating W. Hayes Grier Superintendent of Public Printing and Binding.

Executive Department,  
Harrisburg, May 20, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, W. Hayes Grier, of the county of Lancaster, to be superintendent of public printing and binding for the term of four years, from the 1st day of July, 1885.

ROBT. E. PATTISON.

To the Assembly Vetoing "An Act Authorizing the President and Managers of the Various Turnpike and Plank Road Companies of the Commonwealth to Sell or Abandon Either the Whole or Part of the Corporate Highways Under Their Management, with the Consent of the Persons Holding the Larger Amount in Value of the Stock, to the City, town, Borough or Township Authorities."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, May 20, 1885.

Gentlemen:--

I RETURN HEREWITH WITHOUT MY APPROVAL House bill No. 76, entitled "An act authorizing the president and managers of the various turnpike and plank road companies of the Commonwealth to sell or abandon either the whole or part of the corporate highways under their management, with the consent of the persons holding the larger amount in value of the stock, to the city, town, borough or township authorities. The objections to this bill are that it authorizes the holders of two-thirds of the stock of a turnpike or plank road company to sell or abandon all or part of the road or turnpike without providing for the payment of the debts of the company, without calling a meeting of the stockholders to consider the subject and giving notice thereof, and without any judicial supervision whatever. It is unheard of to allow a corporation to give away or sell its most valuable property without notice, without the control or direction of a court, without regard to the claims of creditors, and without consideration of the rights of the minority of the stockholders.

To confer such a privilege (if the Legislature be at all competent to do it) would be an anomaly in our

laws, and would open the door to serious wrongs upon creditors and stockholders. Existing laws governing the subject of abandoned turnpikes and plank roads very properly place the matter under the supervision of the courts. If these laws are defective, they can be amended, but under any circumstances judicial supervision should not be abolished.

ROBT. E. PATTISON.

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To the Assembly Vetoing "An Act to Amend the Road and Bridge Laws with Respect to Fulton County."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, May 21, 1885.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY SIGNATURE, House bill No. 334, entitled "An act to amend the road and bridge laws with respect to Fulton county."

This is a local bill, relating to roads and bridges in Fulton county.

It, therefore, clearly conflicts with the provisions of section 7 of Article III, of the Constitution, which provides that the "General Assembly shall not pass any local or special law regulating the affairs of counties, authorizing the laying out, opening, altering or maintaining roads, highways, streets or alleys," or "relating to ferries, or bridges." These prohibitions are absolute, and bills like the present one, falling within the prohibitions, are not helped by advertisement.

ROBT. E. PATTISON.

To the Assembly Vetoing "An Act to Explain 'An Act Fixing Salaries of County Officers in Counties Containing over One Hundred Thousand and Less than One Hundred and Fifty Thousand Inhabitants, and Requiring the Payment of the Fees of Such Officers into the Respective County Treasuries.' "

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, May 21, 1885.

Gentlemen:—

**I** RETURN HEREWITH WITHOUT MY APPROVAL House bill No. 44, entitled "An act to explain an act, entitled 'An act fixing salaries of county officers in counties containing over one hundred thousand and less than one hundred and fifty thousand inhabitants, and requiring the payment of the fees of such officers into the respective county treasuries,' approved June 22, 1883."

This bill enacts that the salary act of 1883 shall not be so construed as to prevent the board of prison inspectors of any county from supplying the prison keeper of said county with a residence, fuel, light and boarding for himself and family proper in the prison of any county within the provision of said act; while pretending to explain the act of one thousand eight hundred and eighty-three, the bill in fact, repeals or nullifies a most important part of the act. It is, therefore, not an explanatory statute, as its title recites, but a distinct enactment. The salary law of 1883 gave the officers in the counties enumerated a specific salary in place of fees. It was passed to carry out the spirit of the Constitution, which intended to wipe out the abuse of the fee system and compensate officials entirely by fixed salaries. In pursuance of this spirit, the

act of 1883 expressly provides that the salary it fixed should "be in lieu of all or any moneys, fees, perquisites or mileage, expenses, and other allowance which are now, or may hereafter be received by or allowed to any officer named."

The bill before me, under pretense of explaining this act, virtually repeals the above provision by directing that the prison keeper, whose salary that act fixes, shall, in addition to his salary, receive a residence, fuel, light and boarding for himself and family.

The title of the bill, therefore, is deceptive, and does not contain a clear statement of the contents of the enactment. For this reason alone it is illegal and obnoxious to the Constitution.

Beyond this, however, it is vicious in that it is a partial revival of the system of official perquisites, which the act of 1883 was passed to abrogate, and which the Constitution intended should be entirely done away with.

ROBT. E. PATTISON.

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To the Assembly Vetoing "An Act to Authorize an Additional Law Judge of the Several Courts of the Eighth Judicial District."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, Pa., May 27, 1885.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 41, entitled "An act to authorize an additional law judge of the several courts of the Eighth judicial district."

I withhold my signature from this bill because I believe the additional law judge created by it is not



required by the business of the district, is not demanded by the people, and is an unnecessary addition to the public expense. As was said in a former message upon a similar bill relating to another district, the number of judges in the Commonwealth is already so large and the cost of maintaining the judicial department so great that any addition thereto is to be deprecated, unless called for by some undoubted exigency of the public business.

Such an exigency does not, I think, exist in the Eighth judicial district, and I therefore decline to give my approval to this bill, increasing the number of judges above what I believe to be the requirements of the district and against the desire of the people.

ROBT. E. PATTISON.

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To the Senate Vetoing "An Act to Fix the Number of Senators and Representatives in the General Assembly of the State, and to Apportion into Senatorial and Representative Districts as Provided in the Constitution."

Executive Department,  
Harrisburg, May 29, 1885.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 64, entitled "An act to fix the number of Senators and Representatives in the General Assembly of the State and to apportion into senatorial and representative districts, as provided in the Constitution."

This bill is sent to me as a compliance with the constitutional direction that the Legislature shall apportion the State into senatorial and representative dis-

tricts. The bill in its title in part recognizes this constitutional command. The provision of the fundamental law, however, not only directs the performance of the act, but also, in unmistakable terms, prescribes the time when it shall be performed. That time is declared to be "immediately after each United States decennial census." Two successive General Assemblies since the census of 1880 absolutely refused to do their duty in this regard and enacted no legislative apportionment. I recalled one of them into extra session for the purpose of obeying the direction of the law, but it adjourned without performing its solemn and sworn duty. By the time another General Assembly is elected more than half a decade will have elapsed without the required apportionment, and we will be but three years from another census. The bill which I now return, therefore, while professing to be enacted "as provided in the Constitution," does, in fact, by the late day at which it is received, recall the lamentable truth that the constitutional command as to apportionment has for five years been a dead letter.

Waiving, however, any criticism as to the tardiness of the legislation, let us measure its provisions by the rules of the Constitution, which it professes to execute. It has always been my desire, as the Executive of the State, to see the Constitution obeyed by the enactment of a valid and just apportionment. I would gladly have given my approval to such a measure had it been presented to me at the last regular session, and it was for this purpose that I called the extra session; but no bill of any kind was sent to me at either session. I would now experience a sense of profound satisfaction if this bill were within any reasonable limits of fairness and justness so that I might, by affixing my signature, give it validity.

Measuring it, however, solely by the rules for apportionment laid down by the Constitution, I am obliged

to pronounce it a most glaring and unjustifiable infraction of every requirement of law. The framers of the Constitution, properly vigilant as to the representation of the people in their legislative government, laid down a clear and specific chart for the apportionment of the State. Distrusting the known tendencies of men actuated by party bias, or for other reasons of popular safety, they specified, with careful minuteness, the rules and regulations for composing the General Assembly. They left little to the discretion of their representatives, but hedged their legislative government about with carefully devised precautions. These precautions are not difficult of ascertainment, and their reasonableness needs no defense. The sixteenth and seventeenth sections of article two of the Constitution contain the several rules which the people have established, and by which this bill must be measured. Considering, first, the senatorial apportionment, section sixteen lays down the following rules, explicitly commanded, and about which there can be no doubt:

The Senate shall be composed of fifty members.

The districts shall be single, and composed of compact and contiguous territory, and, as nearly as may be, equal in population.

The senatorial ratio shall be ascertained by dividing the whole population of the State by fifty.

Each county containing one or more ratios shall be entitled to one Senator for each ratio, and for an additional Senator for a surplus of population exceeding three-fifths of a ratio.

No county shall form a separate district unless it contains four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators.

No county shall be divided unless entitled to two or more Senators.

No city or county shall be entitled, separately, to more than one-sixth of the whole number of Senators.

Let us apply these rules to the present bill. First, the ratio of representation, ascertained in the way pointed out by the fundamental law, to wit: By dividing the whole population by fifty is eighty five thousand six hundred and fifty-eight. This number of persons is thus made necessary by law for the election of a Senator, except in cases specially mentioned. Of the fifty districts framed in the bill before me, twenty-six contain less than a ratio. Of these, eight have each less than four-fifths of a ratio, and one less than three-fifths of a ratio.

The city of Philadelphia is limited by the Constitution to eight Senators. Its population is almost ten full ratios. There is, therefore, no reason for a rule to warrant the construction of any district in that city with less than a full ratio. This bill, however, gives a Senator to two districts in that city with less than the required population, to wit: The Fourth district, with seventy-three thousand nine hundred and sixteen, or eleven thousand seven hundred and forty-two less than a ratio; and the Eighth district, with seventy-eight thousand and nineteen, being seven thousand six hundred and thirty-nine less than a ratio. These two districts are not entitled under the law to elect a Senator, and they are thus formed without legal authority, and, indeed, in clear violation of law. This deficiency in these two districts is equally without necessity or legal sanction. The population of Philadelphia is ample to give a full ratio to each of the eight districts to which it is entitled, yet one is formed containing one hundred and thirty-five thousand eight hundred and twenty one, and another with only seventy-three thousand nine hundred and sixteen. The apportionment of that city the Executive has no hesitation in declaring to be unconstitutional and unjust.

The county of Lancaster, whose population entitles it to two Senators, because it has one full ratio and a surplus of three-fifths of a ratio, is divided into two districts, neither of which has a full ratio. A constitutional division of the county would require one district to have a full ratio and the other with over three-fifths of a ratio, which, under the law, would be entitled to a Senator.

In a number of instances counties are joined together and given a Senator with less than a ratio of population. There is no constitutional warrant for giving a Senator to any district containing less than four-fifths of a ratio except in one instance, and this exception only covers a county which is surrounded by other counties each of which is entitled to be a separate district. In at least eight instances, districts are formed of two or more counties which contain less than four-fifths of a ratio, and are not surrounded by separate districts, and in one instance, to wit: The Thirty-first district, less than three-fifths of a ratio is given a Senator. In all of these cases, the principle of representation laid down by the Constitution is entirely lost sight of, and the necessity of a ratio to entitle to a Senator is continually overlooked. When the Constitution, the sixteenth section of the second article, established a senatorial ratio, and said how it should be ascertained, it meant something. The underlying thought of that section is that a Senator should be given only to a full ratio except in certain cases, and these exceptions are three in number, to wit:

Where a county has one or more ratios of population, and a surplus exceeding three-fifths of a ratio, here this three-fifths is entitled to a Senator.

A county having four-fifths of a ratio may be made a separate district and given a Senator.

A county with less than four-fifths but more than half a ratio, surrounded by counties each of which is entitled to be a separate district, may be assigned a Senator.

These three are the only exceptions to the undeviating rule and clear reason and intention of the Constitution that a full ratio should be necessary to elect a Senator.

There are nineteen districts with less than a full ratio that do not fall within any of these exceptions, to wit: The Fourth, Eighth, Ninth, Thirteenth, Fourteenth, Twenty-first, Twenty-second, Twenty-third, Twenty-fifth, Twenty-sixth, Twenty-seventh, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, Thirty-fourth, Thirty-sixth, Thirty-seventh, Thirty-eighth and Forty-eighth. Of these nineteen districts, as has been already noticed, seven are below four-fifths, and one below three-fifths of a ratio. The county of Delaware claims separate representation under the clause of the Constitution which gives a Senator to a county with less than four-fifths and more than one-half a ratio when surrounded by counties each of which is entitled to a Senator. But the county of Chester, which is one of the counties surrounding Delaware, is not entitled to a Senator, though the Legislature may give it one, and Delaware does not, therefore, come within the exception.

It would be an unnecessary and tiresome work to further analyze this bill and point out its violations of the constitutional rules. The districts conforming to the law are largely in a minority. The greater number are in conflict with the constitutional canons of apportionment. It may well be asked, what purpose has induced these violations of law, and what is the result of these legal infractions? It is sufficiently explanatory to say that in Philadelphia the result has been to create seven out of eight districts surely Re-



publican in the political faith of their voters, and one only Democratic. About one hundred thousand Republican votes can elect only one Senator. The one Democratic district contains more than the required ratio; two of the Republican districts fall thousands below the ratio.

Throughout the whole State, it will be found that the net result of the violation of the law is invariably to the advantage of Republican and against the interest of Democratic constituencies. The mind tires in contemplating injustice so uniform in its results, and so steadily and flagrantly pursued. The complete result of all this inequality and violation of law is an apportionment with about two-thirds of the districts safely Republican. I would gladly, if possible, avoid this political reference, but the facts require it, and justice to the party which has distinguished me with its honors makes it pre-eminent duty requiring no apology. Thus much for the sections of the bill relating to the senatorial apportionment.

That part of the bill which apportions the State into representative districts is also in violation of the Constitution. That instrument does not prescribe the exact number, as in the case of the Senate, of which the House of Representatives shall be composed. The ratio is to be "obtained by dividing the population of the State, as ascertained by the most recent United States census, by two hundred." But it is clear that the number of Representatives will vary from time to time according to the population in each county, and the rules laid down for ascertaining the number to which each county may be entitled. The present House is composed of two hundred and one members. This bill increases the number to two hundred and four. But whilst this is true, the rules are clear and distinct as to the manner in which the apportionment shall be made.



The whole population of the State, as ascertained by the last United States census, is to be divided by two hundred. That process gives the ratio, and with no limit as to the number of Representatives, there is no possible excuse for forming any district with a less number than a ratio, except where it is in express words allowed. A district can only be composed of a less number than a full ratio in three instances: First, A county containing less than five ratios shall have one Representative for every full ratio, and an additional Representative when the surplus exceeds half a ratio. Second, "Each county shall have at least one Representative," no matter what its population may be. Third, "Every city containing a population equal to a ratio shall elect separately its proportion of the Representatives allotted to the county in which it is located." It may so happen that, in calculating this proportion, a city will be entitled to a Representative for less than a ratio. Indeed, in the bill before me the city of Harrisburg is given two Representatives upon one ratio and less than half of a ratio.

These three cases form the exceptions, and the only exceptions, to the rule that each district shall contain a full ratio. For, although the rule is not thus expressed in plain words, it is undeniable that when certain instances are specified in which less than a ratio may be allowed to constitute a district, the conclusion is irresistible that, in all other cases, the full ratio is required. And it must be particularly observed in this connection that whilst in one clause the Constitution declares that "every county containing less than five ratios shall have one Representative for every full ratio, and an additional Representative when the surplus exceeds half a ratio," the very next sentence distinctly commands that every county containing five ratios or more shall have one Representative for every full ratio.

Governed by this standard, the apportionment of Philadelphia in the present bill seems to be a clear infraction of the Constitution. Dividing the population of the State by two hundred, the ratio obtained is twenty-one thousand four hundred and fourteen. Upon this basis, Philadelphia is entitled to thirty-nine members with a surplus of eleven thousand eight hundred and thirty-four. That number is given to it in this bill, but instead of each district containing a full ratio, ten of the thirty-nine districts each contain less than a ratio. Apparently no care has been taken to bring each district up to the measure fixed by the law. Other considerations manifestly have prevailed. It was entirely practicable to frame these districts in strict accordance with this requirement of the Constitution, but, in open and defiant disregard of it, the third district contains eighteen thousand two hundred and seventy-four; the fourth, eighteen thousand eight hundred and fifty-four; the fifth, sixteen thousand three hundred and seventy-two; the eighth, nineteen thousand five hundred and forty-seven; the ninth, twelve thousand four hundred and eighty-one; the eleventh, twelve thousand nine hundred and twenty-nine; the thirteenth, eighteen thousand six hundred and forty-six; the sixteenth, seventeen thousand eight hundred and two; the seventeenth, twenty thousand four hundred and fifty-one, and the twentieth, nineteen thousand six hundred and ninety-nine.

Another illustration of the disregard of the constitutional direction may be found in the disposition made of Berks county. Its population is one hundred and twenty-two thousand five hundred and ninety-seven. It comes, therefore, under the clause which says that "every county having over one hundred thousand inhabitants shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its popu-

lation." It has within its limits the city of Reading, containing a population of forty three thousand two hundred and seventy-eight. The provision of the Constitution which declares that "every city containing a population equal to a ratio shall elect, separately, its proportion of the representatives allotted to the county in which it is located," applies to it. Berks county is entitled to five representatives, and the city of Reading to two of the five, to be elected separately from the rest of the county. But this bill divides the city into two districts unequal in population, one containing twenty-six thousand one hundred and seventeen, which is four thousand seven hundred and three above the ratio, and the other containing seventeen thousand one hundred and sixty one, which is four thousand two hundred and fifty-three below it, making a difference in the two districts of eight thousand nine hundred and fifty-six. Can there be any other motive for this than to nullify the political majority in the city by carving out two districts, one of which, or both, may be carried by the minority? These objections are, in my judgment, fatal to the bill, and I refrain from enumerating others which are equally strong.

The bill, as an entirety, presents so many clear violations of the law, and is so evidently unfair and unjust that I must decline to give it my approval. It is to be regretted that it has been sent to me at so late a day in the session. Five months have elapsed since the Legislature convened, and ordinary diligence, it seems to me, could have perfected this bill at least two months ago. In that case, there would have been ample time to have framed a new bill obviating the defects pointed out. As it is, I indulge the hope that by devoting itself diligently to this important and sworn duty, a just and fair apportionment may yet be enacted before the final adjournment. The people

have a constitutional right to be fairly and lawfully represented in their Legislature, and to longer deny them this right is to do violence to the most sacred guarantees of the organic law. It will be the pleasure of the Executive to facilitate the execution of the Constitution to the full extent of his power, but he will not give his approval to measures the enactment of which would deprive large classes of the people of their just share in the government of the State and strengthen the many at the expense of the few.

ROBT. E. PATTISON.

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To the Senate Nominating Trustees of the State Hospital for the Insane at Warren.

Executive Department,  
Harrisburg, June 1, 1885.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, the following named persons to be trustees of the State Hospital for the Insane at Warren, Pennsylvania: J. D. Hancock, of the county of Venango; George W. Starr, of the county of Erie; George N. Parmlee, of the county of Warren, for the term of three years, to compute from June 10, 1885.

ROBT. E. PATTISON.

To the Senate Nominating John P. S. Gobin Brigadier General of the National Guard.

Executive Department,  
Harrisburg, June 1, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, John P. S. Gobin, of the county of Lebanon, to be brigadier general of the National Guard of Pennsylvania, for the term of five years, to rank from June 1, 1885, vice Joshua K. Sigfried, resigned.

ROBT. E. PATTISON.

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To the Assembly Vetoing "An Act to Organize and Define the Congressional Districts of Pennsylvania."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, May 29, 1885.

Gentlemen:—

**I** HEREWITH RETURN WITH MY OBJECTIONS Senate bill No. 73, entitled "An act to organize and define the Congressional districts of Pennsylvania."

The act of Congress of February 25, 1882, fixes the number of Representatives to which Pennsylvania shall be entitled in the Federal Congress at twenty-eight. It provides also that these twenty-eight Representatives "shall be elected by districts composed of contiguous territory and containing as nearly as practicable an equal number of inhabitants," and that

no district shall elect more than one Representative. It will thus be seen that the law lays down three rules to be observed in the formation of Congressional districts, to wit: that the districts shall be single, that they shall be composed of contiguous territory, and that they shall be, as far as is practicable, equal in population. To these rules there is to be added another, arising from the spirit of our State Constitution upon the subject of apportionment, and from the accepted principles of fairness and public convenience, and that is that the districts shall be formed of territory that shall be reasonably compact as well as contiguous. All of these requirements are important, some are vital. A bill which transgresses any of them at once challenges investigation, and unless the transgression is shown to have been indispensable and for the purpose of securing some essential principle of fairness and justness, the bill should not become a law. Of these rules, the one requiring single districts is a purely arbitrary direction of the Federal Congress, and has been followed in the bill before me. The rules as to the territory being contiguous and compact are founded in reasons of public convenience, and are intended to prevent political injustice and sinister designs in the detachment of territory. The direction that the population of the districts shall be as nearly equal as practicable contains the vital principle of popular representation, underlies the theory of our institutions, and is as the breath of our liberties.

The bill herewith returned violates each of the last two rules in the most open, flagrant and unjustifiable manner. It abounds in injustice and is built upon contemptuous illegality. Proceeding in an undeviating purpose of unfairness, it disfranchises hundreds of thousands of our people to give unlawful power to others. It over-rides in the relentlessness of its manifest purpose alike the plain dictates of common jus-



tice and the clear commands of the law. The startling fact to the mind of the Executive is that so little effort has been made to cloak the nakedness of its enormities

In illustrating the defects of a measure where so many exist, it is difficult to know what to select and what to omit. A statement of a few of the more typical and conspicuous wrongs perpetrated by the bill will sufficiently show its unfair and illegal nature. A full statement in detail would unnecessarily lengthen this communication.

Dividing the whole population of Pennsylvania by twenty-eight, the number of Congressmen to which the State is entitled, we obtain one hundred and fifty-two thousand nine hundred and sixty as the ratio for each Congressional district. The law thus fixing this as the number of people entitled to elect a representative in Congress, and bearing in mind the command that the districts shall be, as nearly as possible, equal in population, let us see how the framers of this bill have observed the legal rules laid down for their guidance.

Of the twenty-eight districts formed by this bill, the population of a majority, or fifteen of them, falls below the ratio. The total deficiency of population in these fifteen districts is two hundred and eighty-six thousand eight hundred and twenty-three, or more than fifty thousand in excess of population in the Sixth and Twenty-sixth districts, which are each given a Congressman, and very nearly equal to two full ratios. The largest district in point of numbers is the Twenty-fifth, which contains one hundred and ninety-four thousand one hundred and forty-nine, or forty-one thousand one hundred and eighty-nine more than a ratio. The smallest district is the Sixth, which contains one hundred and fourteen thousand two hundred and forty-nine, or thirty-eight thousand seven hundred and eleven less than a ratio. The difference



between these two districts is seventy-nine thousand nine hundred, or more than one-half of a full ratio. The average deficiency in the fifteen districts named is nineteen thousand one hundred and twenty-one. Six of the districts are each more than ten thousand below the ratio; three more than fifteen thousand; two more than twenty thousand; one more than twenty-five thousand; one more than thirty thousand, and one more thirty-five thousand below.

The average excess in the thirteen districts above the ratio is twenty-two thousand and seventy-four. Seven are each over ten thousand above; one over fifteen thousand; one over twenty-five thousand; one over thirty thousand; two each over thirty-five thousand, and one over forty thousand above. The total excess in these thirteen districts, representing the number of people virtually disfranchised therein, is two hundred and eighty-six thousand nine hundred and sixty-two, or nearly two full ratios. The average population of the fifteen defective districts is one hundred and thirty-three thousand eight hundred and thirty-nine, and the average population of the thirteen districts in excess is one hundred and seventy-five thousand and thirty-four, thus making the average disparity in the two classes of districts forty-one thousand one hundred and ninety-five.

The Fifth, Sixth, Twelfth, Thirteenth, Fifteenth and Twenty-sixth districts together contain ten thousand less than five ratios, and yet are given six Congressmen, while the Fourth, Eleventh, Twenty-second, Twenty-fifth and Twenty-eighth districts contain over six full ratios, and are given only five Congressmen. That is to say, it requires six ratios of people in one section to elect five Representatives, while five ratios only are required in another section to elect six Representatives. In other words, the greater mass of people are deprived of a Congressman to which they are

entitled to give a less number of people a Congressman to which they are not entitled.

There are five districts, each of which contains over one hundred and eighty thousand and five of each containing less than one hundred and thirty thousand.

Philadelphia has one district with over one hundred and ninety-two thousand and right along side of and touching this is another with less than one hundred and fifteen thousand.

The Twenty-fifth district, composed of the counties of Indiana, Jefferson, Westmoreland and Armstrong, contains over one hundred and ninety-four thousand, while the Twenty-sixth district, immediately adjacent, contains less than one hundred and twenty thousand.

These are a few of the conspicuous inequalities of the bill, framed under the law of Congress, which commands that districts shall, as nearly as practicable, be equal in population.

Finding these inconsistencies and infractions of the law pervading the measure so generally as not to admit of the belief that they were accidental, the Executive naturally sought by further study of its details to ascertain, if possible, the theory upon which it was framed and the object sought to be attained by its manifest and persistent inequalities. This theory and object it was not difficult to discover. They appear in every clause and disfigure every enactment of the bill. They obtrude themselves so plainly upon the attention of the Executive that it would be the merest affectation to pretend not to see them and properly animadvert upon them. It is impossible to give the most cursory investigation to the bill without seeing that its main, if not its sole, purpose is to deprive the citizens of one political faith of their just numerical representation in the Federal Congress in order unlawfully and unjustly to increase the power and representation of their political opponents. It

will require but a brief statement to show all fair-minded men that the Democratic citizens of the State, the equals in the eyes of the law to any other citizens, and entitled to equal voice and right in the affairs of government, are by this bill wrongfully and shamefully deprived of a large part of their lawful share of representation in the Federal Councils. Reluctant as the Executive is to introduce a political discussion into a paper of this nature, he yet feels that it is his duty to lay open to the eyes of the people the great wrong attempted by this bill against those citizens with whom he holds a common political faith, and, if possible, to prevent consummation of the outrage.

It is only necessary to state the facts and the enormity becomes at once apparent.

Of the twenty-eight districts, eighteen are surely Republican, seven are Democratic, and three may be classed as doubtful, though of these three, one is at present, and has been for years, represented by a Republican, and the other two have been carried as often in the last decade by that party as by any other. Regarding these districts, however, as doubtful, the bill gives eighteen Republican and seven Democratic districts. How has this result been attained? If it had been reached by observing the directions of the law, or by the accidents of local situation, no one could have complained. It would have been the fortune of the gainers. But it has been arrived at only by persistent and defiant overriding of all laws and rules governing the subject, and the injustice stopped only when it was physically impossible by greater illegality to commit greater wrong.

Of the eighteen Republican districts, eleven are below the ratio of representation, which happens to be the exact number of Republican over Democratic districts. The total deficiency in these eleven Republican districts is two hundred and eighteen thousand

one hundred and thirty-nine. Seven Republican districts are above the ratio. Of the seven Democratic districts, but two are below the ratio, while five are above it. The average population of the seven Democratic districts is one hundred and sixty-one thousand seven hundred and forty-six, or over eight thousand above the ratio, and of the eighteen Republican districts one hundred and fifty-one thousand two hundred and fifty-six, a less number than the ratio. That is to say, it requires an average of ten thousand four hundred and ninety three more people to elect a Congressman in a Democratic district than in a Republican district.

In the city of Philadelphia, the Sixth district is created giving a Republican majority of over four thousand, with a population of only one hundred and fourteen thousand two hundred and forty-nine, or thirty-eight thousand seven hundred and eleven below the ratio; while the Democratic county of Berks, at present a separate district, and containing over eight thousand more than the entire Sixth district, is joined to Lehigh, another Democratic county, making a district thirty-five thousand six hundred and eight in excess of the ratio, and giving a Democratic majority of over ten thousand.

In the same way, the county of Schuylkill, at present a Republican district, is permitted separately to elect a Congressman, with a population of twenty-two thousand nine hundred and eighty-three less than a ratio; while right adjoining it, the Tenth district is created by heaping together five Democratic counties twelve thousand six hundred and twenty-six in excess of a ratio, giving seven thousand Democratic majority.

In the county of Philadelphia, ingenuity and illegality seem to have been exhausted in the effort to do injustice to the Democratic citizens of that section. Six districts are given to that city, five of which are

surely Republican and one overwhelmingly Democratic. This has been done by massing together into the Third district, in a narrow strip along the Delaware, seven of the eight Democratic wards of that city, making a district of excessive Democratic majority, and leaving the rest of the city free to be divided into five equal certain Republican districts. Of the six Philadelphia districts, five are below the ratio and one above it. The Sixth is thirty-eight thousand seven hundred and eleven below and the Fourth is thirty-nine thousand five hundred and forty above, making a difference in these two alone of seventy-eight thousand two hundred and fifty-one. In the five defective districts, the deficiency amounts to one hundred and ten thousand one hundred and twenty-eight. For what other purpose can such inequalities and distortions have been devised except to give five Congressmen to one hundred thousand Republican voters of that city and but one Congressman to the seventy-five thousand Democratic voters?

Instances might be multiplied throughout the bill where similar Democratic counties are submerged in large Republican districts, or massed together into one district so as to destroy their proper distributive weight. Districts are misshapen and inaccessible, unequal and incongruous; no regard whatever is paid to any established rule of law or principal of justice; favors are bestowed and enemies are punished, and all these departures from right and law always have the same result of increasing the political powers of Republican at the expense of Democratic constituencies.

To such a bill I am asked to give my approval. Anxious as I am to see the law obeyed by an apportionment of the State, I will not sanction a measure which transgresses the law and attempts to fix a glaring and indefensible injustice upon a large part of the people. The Republican party in this State does not need such

a measure as this to secure to it whatever preponderance it is entitled to in the Federal Congress. It has no need to call to its aid injustice and defiance of the law to give it its due. The great body of citizens belonging to that party, I am sure, do not ask and would not countenance such a wrong. On the other hand, I feel it to be my duty, as the Executive of the whole people and in support of the rights of all of them, to prevent, so far as I can, an act of injustice, which at this time is aimed at the citizens of Democratic faith. Should this wrong now succeed, it is not unlikely that in the inevitable revolutions that are constantly occurring in our political history, it may in the future be used as an argument and example for inflicting a like injury and injustice upon the party whose representatives in the Legislature seek to perpetuate this wrong. In the interests, therefore, of the dearest rights of all citizens and because this bill violates the plainest principles of common justice and the clear command of law, I withhold my approval.

ROBT. E. PATTISON.

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To the Assembly Vetoing "An Act to Authorize Cities of the First Class to Borrow Money for Increasing the Water Supply of Such Cities."

Executive Department,  
Harrisburg, June 1, 1885.

Gentlemen:—

I HEREWITH RETURN, WITHOUT MY APPROVAL House bill No. 604, entitled "An act to authorize cities of the first class to borrow money for increasing the water supply of such cities."



This bill, which is intended to apply to the city of Philadelphia, authorizes that municipality to increase its indebtedness for the purpose of enlarging its water supply by borrowing money to the amount of three million dollars. One million five hundred thousand dollars may be borrowed each year for two years. The interest to be paid is limited to three and one-half per centum, and one-thirtieth of the said loan, or one hundred thousand dollars, is to be paid yearly. The necessity for the passage of this act arises from the fact that the debt of Philadelphia is already greater than the amount permitted by the fundamental law. The Constitution, in article nine, section six, provides that "the debt of any county, city, borough, township, school district, or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein." The present debt of Philadelphia is above sixty-four million dollars, and more than twenty million dollars in excess of seven per centum of the assessed value of its taxable property. At the time of the adoption of the Constitution, likewise, the debt of the city was in excess of the limited amount. To provide for cities whose debt at that time was in such condition, the section of the organic law above referred to contains this further provision: "But any city the debt of which now exceeds seven per centum of such assessed valuation may be authorized to increase the same three per centum in the aggregate at any one time upon such valuation." The present bill has been passed under the belief that its enactment is permitted by this authorization. Without now discussing whether it is warranted by that provision, I decline to give the measure my approval because I regard it as unwise and dangerous financial legislation.

The subject of the government of cities occupied a



large share of the attention of the framers of the Constitution. They, in common with all observers, were convinced of the necessity of applying some inflexible restraints upon the debt-contracting power of municipalities. The evils of unlimited credit were to be seen everywhere throughout the country in cities staggering under enormous debts, and the consequent extravagance and corruption, and ruinous taxation of property. Our own State presented numerous illustrations of these abuses, and the condition of Philadelphia was a conspicuous example. As barriers to the further extension of these evils, various provisions were inserted in the Constitution, and among others the absolute restriction that the debt of a city should never exceed seven per centum upon the assessed value of its taxable property, except in certain specified cases. The underlying intention of this, as of all the restrictive abuses of the organic law, was to oblige cities to live within their income. As to Philadelphia, still more stringent checks were afterwards thought to be necessary, and in 1879 an act was passed imposing additional regulations and restraints upon the financial management of that city. This act is popularly known as the "pay-as-you-go" law, and contains numerous provisions as to taxation and expenditures, and the creation of indebtedness, all intended to prevent the city from contracting any obligations without having the money for their immediate liquidation, requiring it to make ample provision before hand for any possible outlay, and rendering the occurring of a deficiency in its yearly account of income and expense almost impossible.

Under the operation of the wholesome provisions of this act, the financial condition of Philadelphia has visibly and continually improved. Her debt has been gradually diminished, her taxes have decreased and been better collected, and her entire fiscal system has

been placed upon a sounder and more secure basis. The present Executive, during his official connection with the financial government of the municipality, had ample opportunity to observe and admire the salutary effect of that act and its enforcement of the "pay-as-you-go" policy.

The bill now under consideration is a radical departure from the principle of the act of 1879, and is a step backward to the pernicious credit system that formerly prevailed—a credit system that involved the city, from 1868 to 1873, in a bonded debt of twenty-one millions of dollars, five million seven hundred thousand of which was for the very purpose contemplated by the act now before the Executive. It is hostile to the entire underlying spirit of the act of 1879 and to the intent of the Constitutional restrictions above cited. It is unwise and unnecessary as well. If the bill should become a law, the citizens would be taxed for the payment of the interest for the first year one hundred and five thousand dollars, and for the payment of principal one hundred thousand dollars; and each year thereafter, for twenty-nine years, one hundred thousand dollars, for the payment of principal and like interest, yearly diminishing three thousand five hundred dollars, would have to be raised. In the entire thirty years, which the loan would run, there would have to be raised by taxation, and paid in interest, over one million six hundred thousand dollars. Is this wise financiering for a debt-burdened and tax-ridden city? Granted, as is admitted on every hand, that the improvement in the water supply is needed, yet how much better and more economical in every way it would be, following the "pay-as-you-go" principle of the act of 1879, to raise yearly, by taxation, such reasonable amount as would be needed to prosecute the work with reasonable speed, and thus avoid altogether the creation of more debt and save a large ex-

penditure of interest. Such a course would not much more than double the amount that would have to be raised by taxation should the loan be authorized; for, as has been shown in that case, two hundred and five thousand dollars would have to be raised the first year, and a like sum, yearly diminishing three thousand five hundred dollars, for each year for twenty-nine years thereafter. By raising directly by taxation a half million yearly, the whole work could be completed in six years, and no debt created and the interest saved, while the burden would be very little more felt than under the proposed thirty-year loan. For the payment of the first year's instalment of the loan and interest, there would have to be at least four cents added to the tax rate; while an addition of only nine cents to the rate, would produce a half million dollars yearly, and in six years complete the work without creating any loans. Is not the last the wisest plan? But it may not be necessary to raise, even that sum; for many very thoughtful and well-informed men connected with the government of the city believe that in a short while there will be available, from maturing resources, over a million and a half of money. If this be true (and the Executive's knowledge of the affairs of the city makes him believe it is), then an additional and insurmountable reason exists against the enactment of this bill. If that expectation, however, should not be realized, it is still most unwise and dangerous, by the passage of this bill, to halt the city of Philadelphia in its present healthful financial management, and its progress towards a less burdensome fiscal condition. A return to the credit system and increased indebtedness is a thing to be deplored and avoided by all possible means. The precedent the bill would establish would be of evil example, and, it is to be feared, would prove, in its departure from sound policy, but the entrance wedge to further and greater

evils. It is doubtful if, in the prosecution of the improvement contemplated, more than seven hundred and fifty thousand dollars could be properly, or ought to be, spent yearly. Nevertheless, if this bill should become a law, a large part of the entire three million dollars would lie idle and unused in banks, while the city would continue to pay interest thereon.

For the reasons above set forth, therefore, I decline to give this measure my approval.

The suggestion is also made to the General Assembly that it is doubtful whether this bill can lawfully be passed under section 6 of Article IX of the Constitution, or if it can, whether, before the indebtedness is created, it is not necessary to obtain the assent of the electors at a public election. The last clause of that section would seem to bear the interpretation that for cities whose debt then exceeded seven per centum an authorization to increase a further three per cent. was permitted, but that such authorization could only be given once, or "at any one time." If this is not true, then we have the anomaly that cities whose debt then exceeded seven per centum, might be indefinitely, from time to time, authorized to increase their debt three per centum, but those whose debt was not then but afterwards reached seven per centum could never be authorized to increase above that amount. This would give rise to the inconsistency that the greater debt the greater ought to be the liberty to increase it. Surely, this could not have been the meaning of the framers of the law, and if it were not, then, as Philadelphia has been already authorized to increase her debt, and did so increase it under the act of May 23, 1874, the present bill cannot lawfully give her any further right to increase.

But even if this difficulty is overcome, and the authority to permit the increase is admitted, still must it not be done only with the assent of the electors at a

public election? The language of the section on this point is very sweeping and absolute, to wit: "Nor shall any such municipality or district incur any new debt or increase its indebtedness to an amount exceeding two per centum, &c., without the assent of the electors thereof at a public election." If this applies to cities whose debt was then under seven per centum, why should it not apply to those whose debt was over that amount? The concluding clause, giving authority to allow the debt of those over the limit to be increased three per centum, was necessary, because otherwise they could not have increased it to any amount, either with or without an election. Did the concluding clause, therefore, do more than merely allow the increase to be made subject, as in the case of all other cities, to the general provision regarding the assent of the electors? It will be difficult to answer that it did without convicting the framers of the section of an inconsistent application of their principle. The thought is well worth reflection. If an election is necessary under the section, then this bill would fall, as it makes no provision for such ascertainment of the will of the electors.

ROBT. E. PATTISON.

To the Senate Vetoing the Concurrent Resolution Providing That the Unexpended Balance of the Fifteen Hundred Dollars Appropriated by the Act of June 1, 1883, to Pay the Compensation of the Miners Appointed on the Commission to Revise the Anthracite Mine Laws May be Used to Pay the Printing and Other Expenses of Said Commission.

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 3, 1885.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY SIGNATURE, the concurrent resolution of the Senate, adopted May 22, in the House, May 25, 1885, providing that the unexpended balance of the fifteen hundred dollars appropriated by the act of June 1, 1883, to pay the compensation of the miners appointed on the commission to revise the anthracite mine laws, may be used to pay the printing and other expenses of said commission.

The act of June 1, 1883, appropriated fifteen hundred dollars for the payment of the compensation of the miners on the anthracite commission. That sum was, therefore, dedicated by law to the purpose named. The object of this resolution is to change that dedication and appropriate an unexpended balance of the sum for another purpose. This cannot lawfully be done by a resolution. An act of Assembly cannot be changed or amended by a resolution, and by section 17 of Article III of the Constitution no money can be paid out of the treasury except upon an appropriation made by law. A resolution is not a law, for, under the Constitution, no law can be passed except by bill, which must pass through certain processes of read-



ings on separate days, printing, &c. The resolution now returned meets none of these requirements, and is fatally defective for the purpose intended to be accomplished. For these reasons I return it without my approval. The sum involved is not a large one, but the principle at stake is of the first importance.

ROBT. E. PATTISON.

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To the Assembly Vetoing "An Act Regulating the Allowance of Sheriffs for Boarding Prisoners."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, Pa., June 3, 1855.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 619, entitled "An act regulating the allowance of sheriffs for boarding prisoners."

This bill allows the courts to fix the compensation of sheriffs for boarding prisoners at the maximum sum of fifty cents a day for each prisoner. While this may seem a small matter, it is, in fact, a very serious and important one, and of very considerable magnitude when considered in its effect throughout the entire State.

The act of April 11, 1856, authorized the courts to fix the allowance for boarding prisoners for all counties, except Philadelphia and Allegheny, at a sum not exceeding twenty-five cents a day. Special laws were afterwards passed for a number of counties, but, except in such cases, the act of 1856 is at present the law. The sums now fixed in the several counties vary



in amount; some, as in Chester, being as low as a fraction less than nine cents a day. Montgomery is nineteen cents, Philadelphia twenty cents, and Lehigh fourteen and a half cents. A few of the counties pay as high as fifty cents, and two more than that sum. By far the larger number, however, pay twenty-five cents or under. This bill would allow the compensation in all counties to be fixed as high as fifty cents, which, I believe, would be an excessive sum. The cost of living has been diminishing, rather than increasing, during a number of years, and I do not know of any reason justifying the increase this bill would permit. How burdensome it might prove in many counties will be perceived when it is stated that in quite a number, and these not containing large cities, the monthly cost of maintaining prisoners exceeds three thousand dollars. It may be further stated, also, that at the last State encampment of the militia the cost of maintaining the men was only seventeen cents a day. If soldiers could be kept for this sum, why should prisoners cost fifty cents?

ROBT. E. PATTISON.

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To the Assembly Vetoing "A Further Supplement to  
'An Act Granting a Pension to Jacob Hurst.'"

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 4, 1885.

Gentlemen:—

I HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 242, entitled "A further supplement to an act, entitled 'An act granting a pension to Jacob Hurst,' passed March 27, A. D. 1866."

Jacob Hurst, the beneficiary of this act, while with his company, which had been called out by the Governor in September, 1862, was injured in the right arm by a collision of cars on the railroad in going from Greencastle to Harrisburg. The injuries were such as to afterwards require amputation of the arm. By the act of March 27, 1866, he was granted a pension of eight dollars per month, to continue for five years. By a supplement to said act, passed June 26, of the same year, the five years' limitation was repealed, and it was directed that the pension should continue during all the term of Jacob Hurst's natural life. For nineteen years, therefore, since 1866, he has been receiving eight dollars a month from the State. The present bill further increases his pension to thirty dollars a month for his natural life. This soldier, it will be observed, is not entitled under the liberal laws of the United States to a pension from the General Government. His injuries were not received in actual military service, but in a railroad collision. Under the high emotions of patriotism that actuated the General Assembly of 1866, just following the close of the war, eight dollars a month was considered a sufficient bounty for this State to award him, and at first even that was limited to five years. Now, after this sum had been for two decades regarded as sufficient for this Commonwealth to pay him, during which time the United States have not been brought to regard his case as meritorious, it is proposed to give him thirty dollars a month for life. No adequate reason has been furnished for taking this case out of the general rule or changing the sum acquiesced in for so long a period.

ROBT. E. PATTISON.

To the Assembly Vetoing "An Act for the Relief of Certain Officers, Clerks and Employes of the Senate and House of Representatives of the Commonwealth of Pennsylvania of the Session of One Thousand Eight Hundred and Eighty-three."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 9, 1885.

Gentlemen:—

I HEREWITH RETURN WITHOUT MY APPROVAL House bill No. 225, entitled "An act for the relief of certain officers, clerks, and employes of the Senate and House of Representatives of the Commonwealth of Pennsylvania of the session of 1883."

This bill appropriates various sums, aggregating over twenty-seven thousand dollars, to the officers and employes of the Senate and House of the regular session of 1883, for the last fifty-six days of said session. These items were contained in the general appropriation bill of 1883, but received Executive disapproval.

This bill begins with the assertion that the officers and employes named received "no pay" for the last fifty-six days of the session at which they served. That is an error. They each and all received their full and lawful pay to the last penny for every day of that session. The additional compensation provided for in this bill is as void of legal authority as though it was in terms stated to be a voluntary gift. It is so in fact whatever phraseology may be used for its designation. No legal proposition could be clearer than that raised by the measure herewith returned.

The authority for the existence of the officers and employes named in this bill is to be found in the act of May 11, 1874. That act fixed their number, duties, and compensation. It is a carefully drawn and per-

fectly clear statute. Its meaning is as undoubted as its language is apt for conveying that meaning. The words used in fixing the compensation of the officers and employes authorized by it are plain and unequivocal English terms, understood by all men alike, and about which there is no doubt, and ought to be no dispute. It directs that certain of the officers named in this bill shall receive a salary of a fixed and definite sum "per annum," and the others a salary of a fixed and definite sum "for each regular session," and declares that the salaries thus fixed "shall cover all services rendered by them at regular or adjourned sessions and during the recess." These sums each of these officers has received from the State. The act further provides that "no greater or other compensation or allowance than that provided by this act shall be voted by either House to any officer thereof for services performed at any session." Is it possible to raise any dispute about the meaning of these provisions, or could any language be used that would more strongly and clearly designate the compensation of these officials? Yet, in the face of these prohibitions against extra allowances, this bill gives to each of the officers whose salaries are thus fixed additional compensation.

The excuse for this bill is that as the session of 1883 exceeded one hundred days in length, therefore, for each of the fifty-six days over the hundred additional, pro rata pay, based upon the salaries, should be given to each officer. There is nothing in the act to warrant a construction so shallow, and every word and letter of its provisions as to the compensation of the officers prohibit such a conclusion, as to many of them the pay is designated at a fixed sum per annum. Can there be any doubt as to what "per annum" means? Is argument needed to prove that it means a whole year? Will this Legislature undertake solemnly to

enact that *per annum* means a hundred days only? The pay of the other officers covered by the bill is fixed at a round sum for "each regular session," which the law declares shall cover all services rendered by them at the session or during the recess, and the Legislature is by the act prohibited from giving any greater or other compensation. Does it require the citation of authorities to prove that a part of a session is not a whole session? The Legislature of 1883 held only one regular session in 1883, lasting one hundred and fifty six days. While the law-making power now seriously declared by statute that it held more than one regular session? It is useless to pursue the investigation into the legal objections to this bill. I content myself with briefly stating the specific provisions of law that it violates:

First. The bill is in conflict with the provisions of the act of May 11, 1874, prohibiting the granting of any greater or other compensation than that therein named to any officer or employe.

Second. The bill conflicts with section 11 of Article III, of the Constitution, which is in these words: "No bill shall be passed giving any extra compensation to any public officer, servant, employe, agent, or contractor after services shall have been rendered or contract made, nor providing for the pay of any claim against the Commonwealth without previous authority of law."

Third. The bill conflicts with section 13 of Article III, of the Constitution, which provides that "no law shall extend the term of any public officer or increase or diminish his salary or emoluments after his election or appointment."

ROBT. E. PATTISON.

To the Senate Nominating Members of the State  
Board of Health.

Executive Department,  
Harrisburg, June 9, 1885.

Gentlemen:—

**I**N ACCORDANCE WITH LAW, I HAVE THE honor herewith to nominate, for the advice and consent of the Senate, the following-named six persons to be members of the State board of health, under the provisions of section one of the act of June 3, A. D. 1885, creating the said board, to wit:

Benjamin Lee, of Philadelphia.

J. H. McClelland, of Pittsburgh.

E. W. Germer, of Erie.

Pemberton Dudley, of Philadelphia.

William Ludlow, of Philadelphia.

J. F. Edwards, of Philadelphia.

ROBT. E. PATTISON.

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To the Senate Nominating Trustees of the Hospital  
for the Insane for the South-Eastern District.

Executive Department,  
Harrisburg, June 9, 1885.

Gentlemen:—

**I**N ACCORDANCE WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, the following-named persons to be trustees of the State Hospital for the Insane for the South-Eastern District of Pennsylvania, at Norristown, for the term of three years each, to wit:

Augustus Boyd, of Philadelphia, vice L. P. Ashmead, resigned.

George Biddle, of Philadelphia, vice Thomas Walters, resigned.

ROBT. E. PATTISON.



To the Senate Vetoing "An Act to Provide for the Ordinary Expenses of the Executive, Judicial and Legislative Departments of the Commonwealth, Interest on the Public Debt, and for the Support of the Common Schools for the Years A. D. 1885 and 1886."

UNDER THE AUTHORITY OF THE CONSTITUTION giving the Executive power to disapprove of any item or items of any bill making appropriations of money embracing distinct items, the following items of the foregoing bill are disapproved of:

Section 5. The item in this section appropriating \$35,550 for the salaries of the officers and employes of the Senate (except watchmen and pages) is over \$12,000 dollars in excess of the salaries of those officers and employes as fixed by law, and is an attempt to give them unlawful extra compensation, which is thus embraced in a lumped sum, part of which is a legitimate appropriation, in the hope of thereby escaping Executive disapproval. The art thus made use of to prevent the exercise of a constitutional prerogative by the Governor is of itself an admission of a consciousness upon the part of a lawmaking power that their design was liable to call for the disapproval of the Executive. To justify this expectation, there has been two previous warnings. My distinguished predecessor, Governor Hoyt, in approving the general appropriation bill of 1881, regretted that the extra illegal compensation given to the officers and employes in that bill was included in the gross appropriation for the entire legislative department, as he doubted whether, not being embraced in a separate item, he could disapprove of it



without vetoing the entire appropriation. He therefore signed the bill, but put on record his protest against what he termed a palpable violation of the Constitution. At the regular session of 1883, similar extra compensation was appropriated in the general bill by a distinct item, and received the disapproval by the present Executive. In the bill before me the effort is again made to include the extra pay in a lumped sum. I believe, however, that the terms of the bill are such as to make the objectionable item severable from the proper ones and subject to distinct disapproval. It is useless here to again discuss at length the nature of this extra compensation and the legal reasons against it. All the officers and employes of the Senate covered by this item are, by the act of 1874, given fixed salaries — a round sum per annum for each session. This bill gives them their salaries for one hundred days of the session, and, in addition, a daily prorata compensation for fifty days in excess of the one hundred. It is useless to prolong arguments to prove that per annum does not mean for a hundred days, and that each session does not mean a part of a session. The act of 1874 fixing these salaries also specifically provides that no other or further compensation than the salaries shall be paid the respective officers. For a detailed discussion of this subject, I refer to the protest of Governor Hoyt above alluded to, to my disapproval of items of the general appropriation bill of 1883, to my disapproval of House bill No. 235, communicated with this paper, and to the remarks of Mr. Buckalew upon section two of article three of the Constitution in his admirable work upon that instrument. The item referred to appropriates \$35,550 for salaries of the officers and employes of the Senate. The sum named is in excess of such salaries as fixed by law. I approve of the item for salaries and disapprove of the excess of appropriation above the salaries.

Another item in this section appropriates \$450 for the salary of the chaplain. The act of April 6, 1876, fixes his salary at \$300. I approve of the item for his salary and disapprove of the item of \$150 appropriated in excess of his salary.

Section 6. This section contains an item appropriating \$48,750 for the salaries of officers and employes of the House. This sum is \$6,250 in excess of such salaries as fixed by law. I approve of the item for the salaries of the officers and employes named and disapprove of the excess appropriated above such salaries.

The appropriation of \$450 for the salary of chaplain is \$150 in excess of his salary as fixed by law. I approve of the item for his salary and disapprove of the excess appropriated above his salary.

If authority be needed for the right of the Executive to thus distinguish these items of appropriation, he refers to the remarks of Mr. Buckalew, in his work upon section two of article three of the Constitution.

Section 9. I disapprove of the items in this section appropriating, for the payment of postage, labor express charges, and other expenses in the office of the resident clerk of the House of Representatives, during the year 1886, the sum of \$1,600, and for like services and expenses in the office of the librarian of the Senate, for the year 1886, the sum of \$1,200.

I also disapprove of the item in this section appropriating \$1,300 for the librarian of the Senate during the recess ending December 31, 1885.

Section 10. This entire section is disapproved of. It gives to the chief clerks of the two Houses the sum of \$1,000 each, for extra clerical and other services devolving upon them during the year 1886, and purports to repeal all acts or parts of acts inconsistent with its provisions.

Section 11. This entire section is disapproved of. It gives to the resident clerk of the House, for clerical

and other services that may devolve upon him during the year 1886, the sum of \$1,800, and to the librarian of the Senate, for the same year, for like services, the sum of \$1,800, and, also, the further sum of \$1,800 to the librarian of the Senate for services rendered by him during the year 1884.

All of these items disapproved of in section nine, ten and eleven are for a period when the Legislature will not be in session. The librarian of the Senate, if these items should take effect, would be given, by this bill, \$800 salary for a session of one hundred days, and pro rata pay for fifty days additional; \$1,800 for services during the recess of 1885, from the adjournment to the end of the year; \$1,800 during the year 1886, when there is no session; \$1,800 for the year 1884, when there was no session; and for the expenses of his office, \$1,200 during the recess of 1885, and \$1,200 during the year 1886, a total of \$9,000, of which \$7,800 is for a period when there is no session. The librarian's salary is fixed, by the act of 1874, at \$800 for the session. There is no authority for giving him more than that sum for the session, and the act expressly prohibits so doing. He is made, by the same law, a returning officer of the Senate, and, as such, in the language of the act, is "authorized to return to the regular session of the Legislature next following that for which he was elected or appointed." The law, therefore, clearly intends that at the end of the session for which he was appointed he should go to his home and not return until the assembling of the next Legislature, when, and when only, he is authorized to return. This bill, however, makes him an officer resident and perpetual, who, from the moderate, but ample, salary of \$800 per session fixed by law, has risen until, by this bill, he is given over \$3,000 for the entire year 1885, and \$1,800 for 1886, when there is no session, together with an incidental expense account of \$1,300 a year. It would

astonish the framers of the law of 1874 to see how important this officer of their creation has grown, and how expensive he has become at a time when they intended he should be at home attending to his private affairs. The attempt to give this officer \$1,300 back pay for 1884 is a most palpable violation of law, and should have no place in this bill.

The items for the two chief clerks and the resident clerk during times when there is no session are disapproved for the same reasons. They are made returning officers by the act of 1874, and have no lawful business at the seat of government as paid public servants in years in which there is no session. Their salaries are fixed by law at a given sum "per annum." I have approved the appropriations for the expenses of their offices during the recess of 1885, as they, being yearly officers, may have duties to perform during the recess for which their per annum salary compensates them. But all appropriations to them for services or for expenses for the year 1886, when the Legislature will not be in session, and when they, in contemplation of law, are at their homes, I have disapproved of. The clause of section ten purporting to repeal all acts inconsistent with its provisions is a nullity. The general appropriation bill can contain only appropriations for the ordinary expenses of the government, and cannot repeal any law.

Section 32. This section is disapproved of. It appropriates \$1,200, or so much thereof as may be necessary, for the payment for the services of the stenographers and clerks to the Standard Oil Company investigation committee. This committee was authorized by concurrent resolution No. 34, of the session of 1883. That resolution provided that the committee should perform its duties at "an expense not to exceed \$2,500." A bill was passed at this session, which the Executive signed, appropriating \$2,500 for the ex-

penses of the committee. The item now under consideration appropriates \$1,200 additional for such expenses in clear violation of the limitation and prohibition of the resolution creating the committee. Not only is such an increase in bad faith to those who passed the resolution, but it also violates the restriction contained in section two of article three of the Constitution, which says that "no bill shall be passed \* \* \* providing for the payment of any claim against the Commonwealth without previous authority of law." Moreover, this item is not an "ordinary" expense of the Government, and ought not to be in this bill.

The other items of the foregoing are approved.

ROBT. E. PATTISON.

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To the Assembly Vetoing "An Act to Regulate the Publication and Distribution of the Annual or Biennial Message of the Governor, Pamphlet Laws and Reports of the Heads of Departments."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, Pa., June 9, 1885.

Gentlemen:—

I HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 175, entitled "An act to regulate the publication and distribution of the annual or biennial message of the Governor, pamphlet laws, and reports of the heads of departments."

At the session of 1883, a general law was passed regulating the printing, number, and distribution of the reports of departments and other public documents.

That act, which was approved by me on the 4th day of June, 1883, was passed in response to a general demand for a reduction of the great expense of the public printing. The excessive number of public reports printed, the very limited utility of many of them, and the evident fact that a great quantity of them was unused and wasted, gave rise to the desire for a general and systematic curtailment in the whole matter of printing public documents. Such curtailment was made by the act of June 4, 1883. While the reduction made by that act was not great, yet it was considerable and of material benefit to the cause of economy. It was a well-considered act, and while probably not so perfect in all its provisions as could have been desired, was still in the right direction. That law has been in operation only two years, and now, at the very next succeeding session, the present bill is sent me undoing all that was done for economy in 1883, and making a large, sweeping and uncalled for increase along the whole line of public printing. The total increase in volumes authorized by the bill approximates one hundred thousand. In the matter of Small's hand-books alone the increase is fifteen thousand.

As to a few of the reports, the increase provided would probably be wise, and I understand, is asked for by the heads of the departments. Standing alone I would probably approve the items, but the bill is so loaded down with unnecessary and wasteful provisions that I am obliged to withhold my approval. This is no time to take a backward step in matters of public expense. It is wiser to allow the well-intended economy of the act of 1883 to prevail for at least a few years longer.

ROBT. E. PATTISON.



To the Senate Nominating Charles H. Noyes a Member of the Board of Commissioners to Conduct a State Geological Survey.

Executive Department,  
Harrisburg, June 10, 1885.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Charles H. Noyes, of the county of Warren, to be a member of the board of commissioners to conduct geological survey of the State, vice Daniel J. Morrell, resigned.

ROBT. E. PATTISON.

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Veto of "An Act Relative to Livery Stable Keepers."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, Pa., June 24, 1885.

**I** HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, House bill No. 183, entitled "An act relative to livery stable keepers."

Without discussing the merits of this bill, I decline to give it my approval, because the title is defective and misleading.

The provisions of the bill apply not only to livery stable keepers, but also to "any other owner of property in this Commonwealth." The title, therefore, does not clearly express the purpose of the bill and is constitutionally defective.

ROBT. E. PATTISON,



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Veto of "An Act Providing for Additional Copies of  
Smull's Legislative Hand-Book."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 24, 1885.

I HEREWITH FILE IN THE OFFICE OF THE  
Secretary of the Commonwealth, with my objec-  
tions, House bill No. 681, entitled "An act pro-  
viding for additional copies of Smull's Legislative  
Hand-Book."

A bill similar in purpose to the present one received Executive disapproval during the session of the General Assembly. The main reasons then given for withholding my signature apply with equal force to this bill. The measure entails upon the Commonwealth an unnecessary expense. The general law makes ample provision for the publication of all the hand-books needed for the legitimate uses of the Government. To increase the number of copies of the book ten thousand is, in the opinion of the Executive, an uncalled for expenditure.

ROBT. E. PATTISON.

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Veto of "An Act Authorizing the Courts of Common  
Pleas to Fix by Rule the Fees of Witnesses."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, Pa., June 24, 1885.

I HEREWITH FILE IN THE OFFICE OF THE  
Secretary of the Commonwealth, with my objec-  
tions, House bill No. 213, entitled "An act au-  
thorizing the courts of common pleas to fix by rule the  
fees of witnesses."

The fees of witnesses are now fixed by statute law. This bill authorizes the courts to fix the compensation of witnesses by rules to be adopted from time to time. Such a system is not to be commended. It imposes upon the courts duties not strictly judicial, will give rise to want of uniformity, and changes the settled policy of years. It is better in every way, and more in accordance with the established principles of our judicial system, that the published laws of the Commonwealth and not the varying views of the judges should fix the fees to which witnesses should be entitled. Nothing would be gained, and much incongruity might result from the enactment of such a law as the one now proposed.

ROBT. E. PATTISON.

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Veto of "A Supplement to the Act Regulating Lateral Railroads."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, Pa., June 30, 1885.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 112, entitled "A supplement to the act regulating lateral railroads."

No one could judge from the title of this bill what its provisions are. No intimation is given by the title as to what this supplement contains, or what, if any, change it makes in the act which it proposes to supplement; moreover, by the title, the bill is called "A supplement to the act regulating lateral railroads," while the body of the bill relates also to all existing supple-

ments as well as to the original act. The title, therefore, is constitutionally defective; first, in not containing a clear statement of the purpose of the bill, and second, in misstating its subject.

These objections are alone fatal to the bill. But, in addition, the provisions of the measure are of themselves unwise and against the public interest. There is no limitation upon the length of lateral railroads in this bill, while existing laws do limit their length. The whole scope of the bill is to enlarge the right to build lateral railroads to such an extent that they in fact become in themselves complete and independent railroad systems, instead of, as originally intended, mere outlets of convenience to enable industrial establishments to reach a public highway. The purpose of the bill is, in my judgment, unwise and against good public policy.

In addition, the bill, while pretending in its title to be a supplement, yet in its first section assumes to construe existing laws. The province of a supplementary act is not to construe the law, but to add to it.

For these various reasons I withhold my signature.

ROBT. E. PATTISON.

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Veto of "An Act for the Protection of Farmers Against the Ravages of Foxes and Wild-Cats in the County of Clarion."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, Pa., June 30, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, in the office of the Secretary of the Commonwealth, House bill No. 119, entitled "An act for the protection of farmers against the ravages of foxes and wild-cats in the county of Clarion."

Section 7 of Article III, of the Constitution prohibits the passage of any local or special law regulating the affairs of counties. The bill herewith filed specially regulates the affairs of the county of Clarion, and is obnoxious to the inhibition of the fundamental law above cited. I, therefore, decline to give it my approval.

ROBT. E. PATTISON.

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Veto of "A Supplement to 'An Act to Establish an Insurance Department,' Providing for the Incorporation and Regulation of Insurance Companies, and Relating to Insurance Agents and Brokers and to Foreign Insurance Companies," Amending the First Clause of the First Section Thereof so as to Authorize the Incorporation of Insurance Companies to Make Insurance Either Upon the Stock or Mutual Principle against Fire, Lightning, Wind, Tornadoes, Cyclones and Storms, on all Kinds of Buildings, Merchandise, and Other Property, and Empowering all Stock and Mutual Fire Insurance Companies heretofore Incorporated Under said Act to Insure Against Loss or Damage from Lightning, Wind, Tornadoes, Cyclones and Storms, as Well as Fire.

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 30, 1885.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, House bill No. 129, entitled "A supplement to an act entitled 'A supplement to an act entitled 'An

act to establish an insurance department," approved the fourth day of April, one thousand eight hundred and seventy-three, providing for the incorporation and regulation of insurance companies, and relating to insurance agents and brokers and to foreign insurance companies,' approved the first day of May, Anno Domini one thousand eight hundred and seventy-six, amending the first clause of the first section thereof so as to authorize the incorporation of insurance companies to make insurance either upon the stock or mutual principle against fire, lightning, wind, tornadoes, cyclones, and storms, on all kinds of buildings, merchandise, and other property, and empowering all stock and mutual fire insurance companies heretofore incorporated under said act to insure against loss or damage from lightning, wind, tornadoes, cyclones, and storms, as well as fire."

This bill is similar in its import to Senate bill No. 149, entitled "An act to able fire insurance companies to insure against loss or damage by lightning, wind-storms, tornadoes, or cyclones," which I to-day filed, with my objections thereto, in the office of the Secretary of the Commonwealth. The reasons set forth against that bill are fully applicable to this, and I content myself with referring to them as my reasons for withholding from the present enactment.

ROBT. E. PATTISON.

Veto of "An Act Requiring the State Treasurer to Refund the Escheated Bank Deposit of Sarah E. Cook (now Sarah E. Davis).

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 30, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, in the office of the Secretary of the Commonwealth, House bill No. 130, entitled "An act requiring the State Treasurer to refund the escheated bank deposit of Sarah E. Cook (now Sarah E. Davis)."

One of the provisions of section 7 of Article III of the Constitution is that the General Assembly shall not pass any local or special law "refunding moneys legally paid into the treasury." This bill clearly falls within this Constitutional interdict and cannot lawfully be enacted.

The beneficiary of the bill, however, will suffer no hardship by this disapproval, as if she has a good claim against the Commonwealth, she can have it adjusted and paid under the provisions of the general law passed at this session, at the suggestion of the Executive, to cover just such cases as this, and to do away with the necessity for the passage of special bills upon such subjects.

ROBT. E. PATTISON.

Veto of "An Act to Enable Fire Insurance Companies to Insure Against Loss or Damage by Lightning, Wind-Storms, Tornadoes or Cyclones."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 30, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, in the office of the Secretary of the Commonwealth, Senate bill No. 149, entitled "An act to enable fire insurance companies to insure against loss or damage by lightning, whether fire ensued or not, or by wind-  
This bill authorizes companies now chartered for the purpose of insuring against loss or damage by fire to also effect insurance against loss or damage caused by lightning, whether fire ensued or not, or by wind-storms, tornadoes or cyclones."

There could not be any objection to authorizing the formation of separate companies for insuring against loss or damage from the natural causes above enumerated. This bill, however, unites this power with that already possessed by fire insurance companies.

To this extent the bill is, I think, wrong in principle and in contravention of the intent of the act of May 1, 1876, distinguishing the separate purposes for which insurance companies may be formed in this Commonwealth. That act names four cases of such companies, one of which relates entirely to insurance from fire.

The bill before me would destroy the wise intent of the law of 1876, and enable other kinds of insurance to be mingled with fire insurance. It would also enable companies now in existence whose powers and business are limited by their charters to extend them, possibly to the profit, but possibly also to the greater risk of the capital of those who invested on the strength of the limitations of the original charters.



Moreover, it would seem that this act is not necessary for the purpose intended, as the fourth class of insurance companies, provided for in the act of May 11, 1876, appears to authorize the formation of companies for the very objects this bill contemplates.

If this be so, it is itself a reason for not enacting the present bill, and, in connection with the objections above stated against joining fire and other forms of insurance in the same company, induces me to withhold my signature.

ROBT. E. PATTISON.

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Veto of "An Act to Provide for the Settlement of Disputes Arising upon Contracts with Corporations by Arbitration."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 30, 1885.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, Senate bill No. 155, entitled "An act to provide for the settlement of disputes arising upon contracts with corporations by arbitration."

This bill provides that where a contract has been made "between any party or parties of the one part and a railroad company, municipal, or other corporation of this Commonwealth, or firm or construction company doing business therein of the other part, wherein the chief engineer of such company, corporation, or firm, or other person named therein is made final arbiter," between the parties as to any dispute arising thereon, either of said parties considering them-

selves aggrieved by any award or decision of such arbiter may appeal therefrom to the court of common pleas.

This, it seems to me, is an exceedingly unwise and may be a very unjust bill. When parties have by contract agreed to submit any dispute as to said contract to a final arbiter, why should the finality of his finding be disturbed? Ought a railroad or other corporation to be allowed to vex an employe or other person with whom it has dealings by litigation upon a decision which it has agreed shall be final? Is not this bill destructive of the very purpose of such contract and against the interests of the parties least able to bear the cost and trouble of litigation? It seems to me that all the benefits of such contracts would be abrogated by such a bill as the present, and that its effect might be very injurious to some of the parties. Besides, the act promotes litigation, and for that reason is against sound policy. I therefore decline to give the measure my approval.

ROBT. E. PATTISON.

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Veto of "An Act for the Draining of Pymatuning Marsh, in the County of Crawford, Pennsylvania."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 30, 1885.

**I** HEREWITH FILE, WITH MY OBJECTIONS, in the office of the Secretary of the Commonwealth, House bill No. 200, entitled "An act for the draining of Pymatuning marsh, in the county of Crawford, Pennsylvania."

This is a cumbrous bill which, without discussing its details, sufficient to say cannot lawfully be passed, as it is clearly prohibited by the clause of section 7 of Article III, of the Constitution, which provides that the General Assembly shall not pass any local or special law regulating the affairs of counties.

ROBT. E. PATTISON.

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Veto of "An Act to Authorize Any Veteran Soldier or Sailor to Bring Suit against Any County, Borough, or Township in this Commonwealth to Recover the Amount of Money to Which He Became Entitled by Reason of His Being Accredited to Such County, Borough, or Township on His Re-enlistment to Fill the Quota of Men Then or Afterwards Called for From Such County, Borough, or Township."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 30, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, in the office of the Secretary of the Commonwealth, House bill, No. 222, entitled "An act to authorize any veteran soldier or sailor to bring suit against any county, borough, or township in this Commonwealth to recover the amount of money to which he became entitled by reason of his being accredited to such county, borough, or township on his re-enlistment to fill the quota of men then or afterwards called from such county, borough, or township."

This bill removes the bar of the statute of limitations as to any claim of any soldier or sailor against any

county, borough, or township for bounty by reason of his being accredited to any such county, borough, or township, or by reason of agreement made by any agent they should be so accredited. Twenty years have elapsed since the war closed; these claims have been long barred by statute; many witnesses whose testimony might be vital as a defense to such claims are dead; and now to open the door to innumerable suits against counties, boroughs, and townships would be unwise and liable to much abuse. The courts were open to these suitors as to all others who had any cause of action, for six years after their right of action accrued. I see no reason for now changing the general law affecting such claims.

ROBT. E. PATTISON.

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Veto of "An Act Regulating the Amendment of and Proceedings upon Municipal Claims in Cities of the First Class."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 30, 1885.

I HEREWITH FILE WITH MY OBJECTIONS, in the office of the Secretary of the Commonwealth, House bill No. 224, entitled "An act regulating the amendment of and proceedings upon municipal claims in cities of the first class."

The first section of this bill allows any municipal claim which has heretofore or may be hereafter filed in any city of the first class, and in which a mistake has been made in regard to the description or location of the property, or any other essential matter or thing,

to be amended "so as to conform to whatever was intended." This is an exceedingly dangerous provision. One might purchase property which the record showed to be clear and free from municipal claims. Afterwards, however, a claim on record against another property might be so amended as to be made a lien upon the property purchased in the belief that it was unincumbered estate. The language of the bill as to the amendments allowed is so wide and sweeping as to permit of any correction either in substance or form.

The second section would seem to allow municipal claims to be liens without revival after five years have expired, where the claims are in litigation upon defense made. This would require searches to be taken out for more than five years, and would add difficulties and risks to the transfer of real estate in the city of Philadelphia.

These provisions I regard as ill-considered and liable to abuse. It is true the bill contains a proviso that the act should not apply to bona fide purchasers for value, but nevertheless I consider the measure an unwise and unnecessary one for the reasons above given, in which I am confirmed by the protests that have reached me from lawyers and judges familiar with the subject in the city of Philadelphia.

ROBT. E. PATTISON.

Veto of "An Act to Prevent Swine from Running at Large in Greene County."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 30, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 253, entitled "An act to prevent swine from running at large in Greene county."

This is a special bill, regulating the affairs of the county of Greene, and its enactment is prohibited by section 7 of Article III of the Constitution, prohibiting the passage of local or special laws regulating the affairs of counties.

ROBT. E. PATTISON.

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Veto of "An Act to Empower the Supervisors and Auditors of Butler Township, in the County of Schuylkill, to Levy a Special Tax for the Payment of Certain Expenses Incurred in Said Township During the Years One Thousand Eight Hundred and Eighty-three and One Thousand Eight Hundred and Eighty-four."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 30, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 264, entitled "An act to empower the supervisors and auditors of Butler township, in the county of Schuylkill, to levy a special tax for the pay-

ment of certain expenses incurred in said township during the years one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four."

This is a local law relating to a single township in Schuylkill county, and its enactment is prohibited by the clause of section 7 of Article III of the Constitution which provides that "the General Assembly shall not pass any local or special law \* \* regulating the affairs of counties, cities, townships, wards, boroughs, or school districts." Such special legislation is absolutely prohibited by the Constitutional provisions cited, and advertising cannot help it to validity.

ROBT. E. PATTISON.

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Veto of "An Act to amend 'An Act Relating to the Taxes Assessed upon Dogs in the City of Lock Haven, Appropriating Said Taxes to the Lock Haven Library Company.'"

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 30, 1885.

**I** HERÉWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 408, entitled "An act to amend an act entitled 'An act relating to the taxes assessed upon dogs in the city of Lock Haven, appropriating said taxes to the Lock Haven Library Company,'" approved the tenth day of March, Anno Domini one thousand eight hundred and seventy-one.

By the law of March 10, 1871, the taxes on dogs in the city of Lock Haven are directed to be paid to the



Lock Haven Library Company. This bill amends the act by providing that hereafter said tax shall be appropriated for common school purposes in said city. The bill violates section 7 of Article III of the Constitution, which provides that the General Assembly shall not pass any local or special law "regulating the affairs of counties, cities, townships, wards, boroughs, or school districts." The act of 1871, which this bill amends, is a special law regulating the affairs of the city of Lock Haven, and could not now be lawfully enacted because of the Constitutional provision just cited. For the same reason, that act cannot now be amended, for the amendment is as special as the original act. Neither does advertising help the bill. It specially regulates the affairs of a city, and such enactments are absolutely prohibited by the Constitution.

ROBT. E. PATTISON.

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Veto of "An Act to Authorize Porter Township, Schuylkill County, to Borrow Money for the Payment of Its Indebtedness."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 30, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 419, entitled "An act to authorize Porter township, Schuylkill county, to borrow money for the payment of its indebtedness." This bill is a local measure relating to the single township of Porter, in the county of Schuylkill, and its enactment is

prohibited by the clause of section 7, Article III, of the Constitution, which provides that "the General Assembly shall not pass any local or special law \* \* \* \* regulating the affairs of counties, cities, townships, wards, boroughs, or school districts." For this reason I withhold my approval.

ROBT. E. PATTISON.

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Veto of "A Further Supplement to 'An Act to Provide Revenue by Taxation,' Repealing the Tax on Certain Manufacturing Corporations and Amending the Fourth Section of 'A Supplement to An Act to Provide Revenue by Taxation.' "

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 30, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 514, entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, one thousand eight hundred and seventy-nine, repealing the tax on certain manufacturing corporations, and amending the fourth section of a supplement to said act, entitled 'A supplement to an act to provide revenue by taxation,' approved the tenth day of June, one thousand eight hundred and eighty-one."

The provisions of this bill are all substantially, if not literally, contained in House bill No. 513, entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, one thousand eight hundred and seventy-nine," which this day became a law by my signature.

To duplicate this legislation would merely burthen the statute book, without any corresponding advantage.

ROBT. E. PATTISON.

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Veto of "An Act Authorizing the State Treasurer to Refund to George M. Ramsey Collateral Inheritance Tax Paid in Error."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 30, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 566, entitled "An act authorizing the State Treasurer to refund to George M. Ramsey collateral inheritance tax paid in error."

This bill violates the clause of section 7 of article III of the Constitution which prohibits the passage of any local or special law "refunding moneys legally paid into the treasury." The bill before me is a special one, and is to refund money lawfully paid into the treasury. The General Assembly, therefore, is not legally competent to enact such a measure as the present one, because of the Constitutional prohibition cited.

ROBT. E. PATTISON.

Veto of "An Act for the Relief of the Estate of Rosina Sterrett, Deceased, Late of the County of Erie."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 30, 1885.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 579, entitled "An act for the relief of Rosina Sterrett, deceased, late of the county of Erie."

This bill provides for the refunding to the estate of Rosina Sterrett of one hundred dollars, being the amount of collateral inheritance tax alleged to have been erroneously paid into the treasury from said estate. The bill recites that after the payment of collateral inheritance tax by the estate a claim with costs was recovered against it, thus reducing, by about one hundred dollars, the amount of such tax legally due the Commonwealth. The Constitution, in section 7 of Article III, provides that "the General Assembly shall not pass any local or special law refunding moneys lawfully paid into the treasury." This bill falls within that prohibition, and, however meritorious this particular claim may be, it cannot be legislated about in the manner here proposed. The General Assembly, in conformity with the evident intent of the Constitution, should pass a general law for the adjustment of such claims, as was done at the present session in the case of escheates.

ROBT. E. PATTISON.

Veto of "An Act to Enable the Citizens of the United States and Corporations Chartered Under the Laws of This Commonwealth and Authorized to Hold Real Estate, to Hold and Convey Title Which Has Been Held by Aliens and Corporations Not Authorized by Law to Hold the Same."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 1, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 9, entitled "An act to enable the citizens of the United States and corporations chartered under the laws of this Commonwealth and authorized to hold real estate and convey title which had been held by aliens and corporations not authorized by law to hold the same."

This bill is both retroactive and prospective. It validates all titles heretifore made or that may hereafter be made of real estate by aliens or foreign corporations or corporations of another or of this State to any citizen of the United States, or any corporation chartered by this State and authorized to hold real estate, notwithstanding the said real estate may be liable to escheat to the Commonwealth, if proceedings were not begun or shall not be begun to enforce such escheat before conveyance made. Just what the purpose of this bill is it is difficult to say. It may affect some case now pending to escheat such real estate and would completely debar the Commonwealth from asserting its sovereign right in any such case that may occur in the future. Why should this be done? Why should the doctrine of escheates applying to all other citizens be changed for the class of corporations named? Above all, why should the gen-

eral doctrine that the statute of limitation does not run against the sovereign be reversed in these cases? This bill, which takes in all rights of escheat in the Commonwealth now accrued or that may hereafter accrue, may reach matters and corporate privileges of widespread importance. Such retroactive legislation is always dangerous and almost of necessity gives rise to the suspicion that it is intended to affect some pending case. At all events, I am not willing to waive important rights of the Commonwealth without clear knowledge of just what cases and how many are included in the proposed legislation.

ROBT. E. PATTISON.

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Veto of "An Act to Pay a Pension to Mrs. Alice Care, the Mother of Corporal William T. Care, Who Lost His Life in the Military Service of the State."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 1, 1885.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 91, entitled "An act to pay a pension to Mrs. Alice Care, the mother of Corporal William T. Care, who lost his life in the military service of the State."

William T. Care lost his life in the military service of the State in April, 1871. By an act passed May 18, 1871, a pension was given by the State to his father, John Care. John Care died in June, 1878. This bill gives a pension to John Care's widow, the mother of William T. Care. She is represented to be in indigent

circumstances. Under the 18th section of Article III of the Constitution, no appropriation can be made to any person for charitable or benevolent purposes, except by way of pensions or gratuity in requital for military services. The beneficiary of this bill, the mother of William T. Care, performed no military service, and an appropriation cannot be made to her for any reason of charity or benevolence. I therefore decline to give the bill my approval. I refer, in further support of these views, to my former disapproval of similar bills at the session of 1883 and at the present session.

ROBT. E. PATTISON.

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Veto of "An Act Granting an Annuity to Elmira P. Mullen, Mother of S. J. F. Mullen, Deceased, Late a Private in Company E, First Regiment, National Guard of Pennsylvania."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 1, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 128, entitled "An act granting an annuity to Elmira P. Mullen, mother of S. J. F. Mullen, deceased, late a private in company E, First regiment National Guard of Pennsylvania."

A bill identical with this in every particular was passed by the General Assembly at the session of 1883, and received my disapproval in a message to the Senate on May first of that year. The Senate then sustained the Executive disapproval. The beneficiary of the bill, the mother of a National Guardsman, per-



formed no military service, and therefore an appropriation cannot be made to her for benevolent or charitable purposes under section 18, Article III, of the Constitution. I refer to my message to the Senate May 1, 1883, for my reasons at length for withholding my signature from this bill.

ROBT. E. PATTISON.

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Veto of "An Act to Prescribe the Manner by Which the Courts May Divide Wards in Boroughs into Election Districts."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 1, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 137, entitled "An act to prescribe the manner by which the courts may divide wards in boroughs into election districts."

I decline to approve this bill because of a doubt that it gives rise to as to whether it does not permit an election district to be formed of parts of two or more districts in different wards. The language of the bill upon this subject is that the court may "erect new election districts of parts of two or more adjoining election districts in boroughs," and "to alter the lines of any two or more adjoining election districts in boroughs." These words admit of the construction that parts of several wards might be taken to form one district. If this could be done, great confusion and inconvenience would result in the elections, and because of the want of clearness of the bill upon this subject, I withhold my approval.

ROBT. E. PATTISON.

Veto of "An Act Granting an Annuity to Catharine Page, Widow of Thomas Page, Deceased, Late a Corporal in Company K, Seventh Pennsylvania Regiment Militia of One Thousand Eight Hundred and Sixty-two."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 1, 1885.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 159, entitled "An act granting an annuity to Catherine Page, widow of Thomas Page, deceased, late a corporal in company K, Seventh Pennsylvania regiment militia of one thousand eight hundred and sixty-two."

This bill provides for the payment of an annual pension to the widow of a soldier, who, the bill recites, while in the military service contracted a cold that settled on his lungs and ultimately caused his death. His widow not having performed any military services cannot have any money appropriated to her, because of the prohibition contained in section 18 of Article III of the Constitution. For this reason, I decline to give the measure my approval.

ROBT. E. PATTISON.

Veto of "An Act Granting a Pension to Ellen Ginley, Widow of the Late Captain James Ginley."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 1, 1885.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 585, entitled "An act granting a

pension to Ellen Ginley, widow of the late Captain James Ginley."

This bill recites that James Ginley, a member of the National Guard of the State, was with his company at the annual encampment at Philadelphia in 1880; that while there he contracted a severe cold; that this cold "ultimately settled on his lungs and produced consumption, from which he died on the 16th of October, 1883, leaving a widow and minor child to survive him." To this widow the bill appropriates a pension of ninety-six dollars yearly during her natural life, so long as she remains his widow.

Aside from the question whether the death of James Ginley resulted from such military services as is contemplated by the Constitution, it is perfectly clear that his widow cannot lawfully be made the recipient of a pension from the State. The eighteenth section of Article III of the Constitution provides that "no appropriation except for pensions or gratuities for military services shall be made for charitable, educational, or benevolent purposes to any person or community." This widow did not perform any military services, and under the above section of the Constitution no appropriation can be made to her as a matter of charity or benevolence. This view is in consonance with that suggested by my distinguished predecessor, Governor Hoyt, and was adopted by me in such matters at the session of 1883. For a full statement of my view of the law upon this subject, I refer to my disapproval of Senate bill No. 7, of the session of 1883, communicated to the Senate on the first day of May, 1883. I may also say that the Senate then sustained the views of the Executive.

ROBT. E. PATTISON.

Veto of "An Act for the Better Protection of the Wages of Labor, and Providing the Manner in Which the Same May be Collected."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 2, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 19, entitled "An act for the better protection of the wages of labor, and providing the manner in which the same may be collected."

There are many good enactments in this bill, but it contains one provision so repugnant to justice and so unfair to employers that I am obliged to decline giving it my approval. Its third section among other things provides that "no note, due bill, or other written security or evidence of the whole or any part of such wages, whether bearing interest or not, shall be deemed to be a bar to the protection of this act in the hands of such employe, or his or her assigns, but the same shall be preferred and paid as if the said note, due bill, or other written instrument had not been taken." That is to say, if an employer gives to his employe a due bill for wages and the employe endorses and sells the due bill to another, yet the employe can obtain his wages out of any execution against his employer and the employer be again liable to pay the due bill given for the same wages held by an innocent purchaser of the due bill. It is only necessary to state this proposition to show its manifest injustice.

ROBT. E. PATTISON.

Veto of "An Act Requiring the Names of Principals Doing Business Through Agents to Have Their Names and the Names of Their Agents Registered in the Office for the Recording of Deeds in the County Wherein Their Place of Business is Located."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 2, 1885.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 106, entitled "An act requiring the names of principals doing business through agents to have their names and the names of their agents registered in the office for the recording of deeds in the county wherein their place of business is located."

The main purpose of this bill is a good one. It is intended to oblige persons doing business through agents to register in the recorder of deeds' office their name and the name of their agents. On failure so to do, the bill makes the property in the possession of an agent liable to execution as his property. This would be well enough, as it would be only following the principle of law that possession of personal property is the evidence of title. But the bill goes further and declares that all such property in the possession of agents "shall be deemed and held in law to be the property of such agent." This provision would prevent the property from being levied upon and sold as the property of the principal in any instance, which is not what was intended. A principal could thus entirely protect himself from paying his just debts by doing business through an agent and not recording the fact as this bill requires. Nothing, I suppose, could have been further from the purpose of those who prepared the legislation. Yet they have inadvertently

opened the door for frauds in the just effort to prevent impositions.

ROBT. E. PATTISON.

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Veto of "An Act to Enable City, County, Township, and Borough Tax Collectors to Collect Taxes for the Payment of Which They Have Become Personally Liable Without Having Collected the Same by Expiration of the Authority of Their Respective Warrants and to Extend the Time for the Collection of the Same for a Period of One Year from the Passage of this Act.

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 2, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 135, entitled "An act to enable city, county, township, and borough tax collectors to collect taxes for the payment of which they have become personally liable without having collected the same by expiration of the authority of their respective warrants, and to extend the time for collection of the same for a period of one year from the passage of this act."

Similar acts to this have been regularly presented and passed at the sessions of the Legislature for many years. This act, however, improving upon all others, extends back to tax warrants issued in 1874. It seems to me that it is about time to stop this system of extensions. The tax collectors may be (indeed, most of them are) now out of office, some since 1874—yet this law would give full validity to their expired warrants

and full powers as to the right of collection to those now private citizens. The bill gives this power to these officials, not only in their old jurisdiction, but also permits them to follow persons owing the tax who may have removed from the city, ward, township, or townships, or boroughs, to which they owe the tax. These tax collectors voluntarily assumed their offices with a full knowledge of their duties and responsibilities. I cannot see any reason, in law or equity, why, after their terms have expired, they should be re-invested with their official authority to save them from the consequences of their neglect—consequences of which they must have had knowledge when they solicited the suffrages of the people.

The purpose of this bill, I think, will be better accomplished by its failure to become a law than by its enactment; as tax collectors will thereby, hereafter, understand that they must promptly perform their duties if they would escape responsibility. And that they need not in the future look to legislative indulgence to enable them to escape the consequences of their neglect.

ROBT. E. PATTISON.



Veto of "A Supplement to An Act Relating to the Collection of District and Township Debts in the Several Counties of the Commonwealth," Approved the Thirty-first Day of March, One Thousand Eight Hundred and Sixty-four, Limiting the Amount which May Be Collected in Any One Year."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 2, 1885.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 139, entitled "A supplement to an act relating to the collection of district and township debts in the several counties of the Commonwealth, approved the thirty-first day of March, one thousand eight hundred and sixty-four, limiting the amount which may be collected in any one year."

There is a mis-recital in this bill. Following the act of March thirty-one, one thousand eight hundred and sixty-four, to which it is a supplement, it refers to the seventh section of the act of February twenty-five, one thousand eight hundred and thirty-five. As a matter of fact, the act that this bill is intended to apply to was approved February twenty-eighth, one thousand eight hundred and thirty-five, and not February twenty-fifth. The bill, therefore, applies to an act that does not exist. I can conceive of no way in which such a mistake can be corrected, and it does not help the matter to say that the draughtsman of this bill has only followed the mis-recital of the act of one thousand eight hundred and sixty-four. It is inaccurate and careless legislation which renders the bill a nullity, and I decline to encumber the statute books with it and seem to approve of its mistakes.

ROBT. E. PATTISON.

Veto of "An Act to Authorize the Council of Cities or Boroughs of this Commonwealth to Provide by Ordinance for Injured or Disabled Firemen and Policemen, or Persons in the Police and Fire-Alarm Telegraph Service in the Employ of Such Cities and Boroughs Where Such Injury or Disability May Occur in the Discharge of Duty."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 2, 1885.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 529, entitled "An act to authorize councils of cities or boroughs of this Commonwealth to provide by ordinance for injured or disabled firemen and policemen, or persons in the police and fire-alarm telegraph service in the employ of such cities and boroughs, where such injury or disability may occur in the discharge of duty."

This bill authorizes any city or borough in this Commonwealth by ordinance to assist any fireman, policeman, or person in the police and fire alarm telegraph service in the employ of such city or borough, who may be injured or disabled while in the discharge of duty. The assistance authorized may, by the terms of the bill, be "gratuity, annuity, stipend, or by whole or fractional wages or salary." This is a new style of pension law, and while it may present some features appealing to the sympathies of the individual, is I think, ill-advised, and might be but the beginning of a pension system the limits of which cannot now be foreseen. It is unnecessary, however, to discuss the merits of the bill, as its passage is, I think, forbidden by the Constitution. Section 7 of Article IX of that instrument provides, among other things, that "the Gen-

eral Assembly shall not authorize any county, city, borough, township, or incorporated district, to obtain or appropriate money for any incorporation, association, institution, or individual." This bill does authorize cities and boroughs to appropriate money to individuals. The moneys appropriated may be a gross sum, or a yearly pension, or a whole or part of salary. The matter, therefore, is in direct conflict with the Constitutional prohibition cited, and for this reason I withhold my approval.

ROBT. E. PATTISON.

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Veto of "A Supplement to An Act to Extend the Powers of Burgesses in Boroughs."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 7, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 27, entitled "A supplement to an act to extend the powers of burgesses in boroughs."

The title to this bill is defective. It does not give the date on which the original act was approved. It does not describe properly the act which it proposes to amend, for in this title that act is designated as "An act to extend the powers of burgesses in boroughs," whereas its proper title is "An act regulating boroughs." It would be impossible, taking the title by itself, to find the act which is sought to be amended by it. The bill is, therefore, in violation of section 3 of Article III of the Constitution, which re-

quires the subject of the bill to be clearly expressed in its title.

In the body of the bill, the portion sought to be amended is described as section twenty-one of an act, entitled "An act regulating boroughs," approved April 3, 1851, and is set forth in words; whereas those words constitute the twenty-first clause of section two of the act named. Without considering its merits, I decline to give my approval to a bill marked by such gross inaccuracies and inexcusable misdescription.

ROBT. E. PATTISON.

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Veto of "An Act to Authorize County Commissioners to Make Contracts for the Collection of Forfeited recognizances and Fines."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 7, 1885.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 46, entitled "An act to authorize county commissioners to make contracts for the collection of forfeited recognizances and fines.

The duty of collecting forfeited recognizances and fines ought to be performed by the district attorneys. It falls legitimately within their functions; they are semi-judicial officers, and their action is, or ought to be, more impartial and disinterested than that of unofficial parties. To allow county commissioners to contract with private attorneys, to make collections, even if supervised by the court, would be likely to result in abuse, and probably in scandal. At all events,

the direct and safest course, I think, is to have the district attorney of the county act for the county in all such matters so peculiarly connected with his office.

ROBT. E. PATTISON.

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Veto of "An Act to Give Petitions for Charters of Incorporation of the First Class, Applied for Under the Act of April Twenty-ninth, One Thousand Eight Hundred and Seventy-four, the Right of Appeal to the Supreme Court from the Decision of Any Court of Common Pleas or of Any Law Judge Thereof of this Commonwealth."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 7, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 47, entitled "An act to give petitioners for charters of incorporation of the first class applied for under the act of April twenty-ninth, one thousand eight hundred and seventy-four, the right of appeal to the Supreme Court from the decision of any court of common pleas or of any law judge thereof in this Commonwealth."

This bill is an innovation of a serious character upon the practice of the courts and the principles of our jurisprudence. It gives a right of appeal, without security, from the exercise of the discretion vested in the judges by the act of one thousand eight hundred and seventy-four, in the matter of granting charters of corporations of the first class. The act of one thousand eight hundred and seventy-four requires that

the court or judge shall be satisfied that the corporation applied for is lawful, and its purposes not injurious to the community; and must so endorse on the application before the parties applying can become a corporation. The power thus vested is a purely discretionary one; the proceedings are generally *ex parte*; the question is one generally applying entirely to the conscience of the judges and would be against public policy, contrary to the principles of law, and promotive of an irregular sort of litigation burthensome to the business of the courts to give parties an appeal in such case. The bill itself is very incomplete and informal in its provisions; and, aside from the objections to its purpose and policy, is open to many criticisms upon its details. The fact that the appeal may be taken without security is objectionable. The State, through the Attorney General, would be the appellee in such appeals, and the Commonwealth ought to be protected by adequate security from vexatious and fruitless litigation.

ROBT. E. PATTISON.

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Veto of "An Act to Repeal a Portion of 'A Supplement to the Several Acts Relating to the Borough of Uniontown, Fayette County.'"

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 7, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 77, entitled "An act to repeal section two and a portion of section three of an act enti-

filed "A supplement to the several acts relating to the borough of Uniontown, Fayette county," approved the eleventh day of May, Anno Domini one thousand eight hundred and seventy-one."

Under the act of 1871 named, the councilmen, assessors, and constables of the borough of Uniontown, Fayette county, have since that year been elected on what is known as "the plan of the free vote," which had been incorporated the year before into "An act to define the limits and organize the town of Bloomsburg." The object of this plan was to secure minority representation in municipal affairs, and this it undoubtedly has secured.

This bill was introduced by a Representative from another county and there has been no intimation given to me by the citizens of Uniontown that a repeal of the existing law is desired. On the contrary, I am informed that the operation of the law has given general satisfaction, and that there is no general desire for its repeal. I therefore decline to approve this bill.

ROBT. E. PATTISON.

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Veto of "A Supplement to 'An Act to Provide for the Submission of Civil Cases by Agreement of the Parties to a Referee Learned in the Law,' Authorizing the Trial of Civil Cases Before a Referee by Jury."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 7, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 83, entitled "A supplement to an act entitled 'An act to provide for the submission of



civil cases by agreement of the parties to a referee learned in the law,' authorizing trial of civil cases before a referee by jury."

The title to this bill fails to give the date of the approval of the act to which it is a supplement. This is probably not a fatal defect, but it is an omission calculated to occasion considerable inconvenience. It is true the date of approval would only serve the purpose of identification, as it is strictly no part of an act, though necessary to give it validity, and in some cases important, as the date at which, or within a certain time from which, the law becomes operative. If there were, as it is quite possible there might be, two or more acts of the same title, a supplement which did not recite the date of approval of the act to which it was intended to be a supplement might lead to doubt and litigation of a serious character. The draughtsman of this bill, therefore, has, in omitting the date of approval, made an innovation upon a correct legislative custom that it would be unwise to follow.

A measure word for word identical with this, except in one particular, was passed by the Legislature at the session of one thousand eight hundred and eighty-three, and was filed by the Executive, with the reasons for his disapproval, in the proper office on the nineteenth of June, one thousand eight hundred and eighty-three. I refer to that paper, so far as it is applicable, for my reasons for withholding my signature from this bill. The measure before me authorizes parties to any civil case pending in any court to agree in writing to submit their case for trial to a referee learned in law, and a jury to be drawn from the panel in attendance on the court. The referee may take the jury to his office, and there try the case to all intents and purposes the same as the regular judge of the court in which the case is pending, and with like effect. I deem it un-

necessary to again set out at length my objections to the underlying object of this bill. It is sufficient here to say that I do not believe the administration of justice would be benefited or public respect for the judicial system promoted by authorizing, as this bill does, innumerable little courts, presided over by innumerable attorneys, to be sitting throughout the Commonwealth trying causes in place of the regularly appointed ministers of justice. There still lingers in the popular mind a wholesome respect for the dignity and solemnity of trial by judge and jury. It is better to preserve this sentiment, if possible, rather than dissipate it entirely by constituting the numerous petty, shifting, and temporary legal tribunals this bill would authorize.

ROBT. E. PATTISON.

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Veto of "An Act Supplementary to 'An Act in Relation to Persons Imprisoned Under Sentence for Offenses against the Laws of Pennsylvania.' "

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 7, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 127, entitled "An act supplementary to an act entitled 'An act in relation to persons imprisoned under sentence for offenses against the laws of Pennsylvania,' approved May twenty-first, Anno Domini one thousand eight hundred and fifty-nine."

This bill about doubles the commutation now al-

lowed upon the terms of sentence of prisoners for good behavior. The existing law gives them one month on each of the first two years, two months on each succeeding year to the fifth year, three months on each following year to the tenth, and four months on each remaining year. This bill provides that the commutation hereafter shall be two months on each of the first two years, four months on the third and fourth years, and five months on each remaining year. It will be observed that the greater benefit would be derived from this change by old offenders serving long terms. I believe the increase proposed is unwise and extravagant, and this belief is also entertained by many of the prison officials who have filed protests against the bill. Relying upon their judgment, as well as my own opinion, I therefore decline, affixing my signature. The title of the bill also is, I think, defective. It simply sets out that it is a supplement to the act of 1869, without stating anything whatever as to the purpose of the supplement. As a matter of fact, the bill is in terms an amendment of the first section of the act of 1869 and not a supplement.

ROBT. E. PATTISON.

Veto of "An Act for the Relief of and Placing on the Rolls the Name of Edward Marshall Late First Lieutenant Company D, Fifteenth Regiment, Pennsylvania Cavalry."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 7, 1885.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 129, entitled "An act for the relief of and placing on the rolls the name of Edward Marshall, late first lieutenant company D, Fifteenth regiment, Pennsylvania cavalry."

There is no evidence in the office of the Secretary of the Commonwealth, or that of the Adjutant General, that the person named in this bill was ever appointed first lieutenant of company D, Fifteenth regiment, Pennsylvania cavalry, by Governor Curtin. The order assigning him to duty as a commissioned officer without the presentation of his commission and muster-in was irregular, and he must look to Congress for redress.

The Governor of the State can commission in the State volunteers only, and no evidence is on file that the Governor intended to commission this man.

But the point that is fatal to this bill is that the muster-in and muster-out rolls deposited with the Adjutant General of the State are nothing more than true and correct copies of the ones on file in the War Department of the United States Government, and are certified over the signature of the mustering officer. The rolls with the Adjutant General of the State cannot be altered by the Legislature. No benefit would arise to the officer, except by a change at Washington. Upon a representation of the facts of this ser-

vice, Congress, no doubt, would pass some measure for his relief.

ROBT. E. PATTISON.

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Veto of "An Act to Define and Punish Embezzlement  
from Unincorporated Societies."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 7, 1885.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 132, entitled "An act to define and punish embezzlement from unincorporated societies." This bill provides that if any officer of any unincorporated society or association shall receive any money, property, check, note or other chose in action, in the name or for the use of such society or association, from any person whatsoever, and shall appropriate the same to his own use, "or fail to deliver up and surrender the same to his successor or successors in office, or shall neglect to deliver up the same, when called upon so to do, to any officer or committee of such society or association authorized to ask for and receive the same," he shall be guilty of embezzlement and be punishable by a fine not exceeding five hundred dollars and imprisonment not exceeding two years. It will be observed that there is here no provision that the action thus made criminal shall be fraudulent, corrupt, or with criminal intent. The officer who, under claim of right, or disputing the authority of others claiming to be officers, refuses to deliver up the property in his hands is declared to

be guilty of embezzlement. Indeed, the mere "neglect" to transfer to his successors the property in his possession is made criminal, without any requirement that the neglect be fraudulent. This is too careless a definition of a crime, particularly where, as in this case, the society is an unincorporated one—that is, where its rules and regulations and the respective powers and duties of its officers are not specifically defined by law or under authority of law. Criminal statutes should be exact, clear, and free from all ambiguity. It is not to be supposed that it was the intention of the framers of this act to make the mere "neglect" specified a crime, yet that is what the bill does. Moreover, the bill seems to incorporate into the offense failure to perform duties of the society, which duties are unrecited. Altogether the enactment is too vague and informal to be allowed to become a part of our criminal code. In defining constructive crimes, the utmost clearness and accuracy of statement ought always to be employed.

ROBT. E. PATTISON.

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Veto of "An Act to Repeal 'An Act to Authorize the Establishing of a Law Library for Cumberland County,' and a Supplement Thereto."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 7, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 220, entitled "An act to repeal an act entitled 'An act to authorize the establishing of

a law library for Cumberland county,' approved the fourteenth day of April, Anno Domini one thousand eight hundred and sixty-nine, and a supplement thereto, approved the sixth day of March, Anno Domini one thousand eight hundred and seventy-two."

The purpose of the act of 1869 and its supplement of 1872 was to procure and sustain a public law library in Cumberland county, and to that end all moneys arising from certain sources named in the act have been paid by the county treasurer to a law library committee. These moneys have been faithfully and judiciously expended in the execution of the plan, and the result has been gratifying to judges, lawyers, and the people generally. Cumberland county has a good law library, and no one has felt the burden of its acquisition.

It is an erroneous view to take of such a project that its advantages are confined to judges and lawyers. On the other hand, all the people reap the benefit of it. The greater the facilities for the consultation of authorities by courts and attorneys, the more expeditious and correct will be the administration of justice. I believe that this work should be continued in Cumberland county, that its library should be sustained, and that all similar projects should be encouraged and not discouraged. To approve this bill would put a stop to the process of procuring books for this library, and this I am not willing to see done. Other question of probable embarrassment arising from the repeal of the existing law might be mentioned as additional objections, but, holding the general view as to law libraries which I have stated, I am constrained, for that reason, to withhold my signature from the bill.

ROBT. E. PATTISON.



Veto of "A Further Supplement to 'A Further Supplement to An Act for the Organization, Discipline and Regulation of the Militia of Commonwealth of Pennsylvania.' "

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 7, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 226, entitled "A further supplement to an act approved the seventh day of April, Anno Domini one thousand eight hundred and seventy, entitled A further supplement to an act for the organization, discipline, and regulation of the militia of the Commonwealth of Pennsylvania,' approved May fourth, one thousand eight hundred and sixty-four."

The first objection to this bill is that its title is defective. It is termed a "supplement" to a particular act, but gives no hint of what the body of the bill contains. This is not a compliance with the provision of the Constitution that the subject of a bill "shall be clearly expressed in the title." As a matter of fact, the bill empowers the president or judge advocate of any court-martial to "issue his warrant to any constable or police officer in the county where said court may be held, directing said constable or officer to produce before it, at the place and time therein stated, all parties accused." It further makes it the duty of such constable or officer to execute the warrant according to the direction thereof. Aside from the loose drafting of the bill, its purpose does not commend itself to Executive approval. That military tribunals should, in times of peace, have authority to arrest the citizen and forcibly take him before them, and the civil officers should be obliged to assist in such proceeding, is against the policy of our laws, the

wholesome prejudices of the people, and the theory of democratic institutions. I therefore decline giving the measure my approval.

ROBT. E. PATTISON.

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Veto of "An Act to Repeal the Proviso to 'A Supplement to the Acts Providing for the Entering of Satisfaction on Judgments and Mortgages.' "

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 7, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 263, entitled "An act to repeal the proviso to an act, entitled 'A supplement to the acts providing for the entering of satisfaction on judgments and mortgages,' approved April eleventh, one thousand eight hundred and fifty-six."

The act of one thousand eight hundred and fifty-six provides that where the amount of any judgment or mortgage entered of record shall have been paid to the legal holder with interest and costs, and the instrument indorsed with the fact of such payment in the presence of two witnesses, shall be produced to the recorder or prothonotary having charge of the record, it shall be the duty of such recorder or prothonotary, upon the payment of a specified fee, to enter satisfaction on the record of such liens, and file the papers relating thereto in his office. The act further contains a proviso that no such satisfaction shall be entered until after a certificate from the president judge or the district judge of the proper county allow-

ing the same, which certificate shall also be produced and filed with the papers. This proviso the present bill proposes to repeal. It seems to me the supervision of the court, which the repeal would abolish, is a wise and necessary precaution. It is intended to prevent frauds which might very well occur without such judicial control. Without such control, the mere production of a mortgage or judgment indorsed as provided compels the satisfaction to be entered. It is not an unwarranted imposition to oblige the party producing such paper to first submit it to the inspection of a judge, that he may examine it and make such inquiries as he deems needful to satisfy himself of the regularity and honesty of the transaction. If the circumstances are such as not to convince him of these facts, the satisfaction ought not to be entered in the summary manner the act of one thousand eight hundred and fifty-six provides, and I, therefore, withhold my approval of this bill.

ROBT. E. PATTISON.

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Veto of "An Act Providing for the Revision and Abatement of Illegal Assessments by the Board of Revenue Commissioners, for the years One Thousand Eight Hundred and Seventy-five, One Thousand Eight Hundred and Seventy-six, and One Thousand Eight Hundred and Seventy-seven."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 7, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 286, entitled "An act providing for the revision and abatement of illegal assessments by

the Board of Revenue Commissioners for the years one thousand eight hundred and seventy-five, one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven."

The purpose of this bill is to compel the Board of Revenue Commissioners to certify to the Auditor General the amount of State taxes assessed on personal property in all counties claiming to have been assessed in the years 1875, 1876 and 1877, in excess of the amount of such tax lawfully assessed by said counties in the triennial year 1875.

Prior to the year 1878, the Board of Revenue Commissioners was not authorized to re-adjust the accounts of counties. The act of March 30, 1811, vested the power in the Auditor General and State Treasurer, and required the request for revision to be made within twelve months of the settlement. The act of April 8, 1869, gave the authority to devise any settlement of accounts such as those mentioned in this bill to the Auditor General, State Treasurer, and Attorney General, and to this tribunal these cases might have been presented at any time. Thus stood the law until the twenty-fourth day of May, 1878, when an act was passed defining the powers and extending the duties of the Board of Revenue Commissioners, this Board being composed of the Auditor General, State Treasurer, and Secretary of the Commonwealth. The act last named is clearly and distinctly prospective in its legal operation and effect, and does not clothe the Board of Revenue Commissioners with any power to open, re-settle, and give credits on accounts settled prior to its passage.

This bill, therefore, if it should become a law, would arbitrarily compel the Board of Revenue Commissioners to hear applications relating to one particular class of alleged illegal assessments only, and certify the amounts of the same to the Auditor General, although

this Board never had any authority to resettle any accounts of any kind whatsoever covering the years in which these assessments were made, and authority to do so fully existed elsewhere under the act of 1869. The present Board, and at least one prior Board of Revenue Commissioners, have refused to allow credits for these assessments, and it is but reasonable to suppose that their action has been based on good and sufficient grounds. At any rate, I am unwilling, eight years after the last and ten years after the first assessments complained of were made, to force upon the Board of Revenue Commissioners the performance of a duty with which they were never charged, and relating to one class of cases which seems to have been singled out for special protection by this extraordinary method.

It may be added, also, that if such overpayments as are set forth in the bill have been in reality made, the counties did not suffer as counties thereby, and are not entitled to have the moneys so overpaid go into their treasuries. The individual taxpayers from whom they were collected would be the proper persons to get the benefit of a repayment.

ROBT. E. PATTISON.

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Veto of "A Supplement to 'An Act Relating to Counties and Townships and County and Township Officers,' and Fixing the Compensation of County Auditors."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 8, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 12, entitled "A supplement to an act entitled 'An act relating to counties and townships

and county and township officers,' approved fifteenth day of April, Anno Domini one thousand eight hundred and thirty-four, and fixing the compensation of county auditors."

This bill amends the sixtieth section of the act of 1834 by increasing the pay of county auditors from one dollar and fifty cents to three dollars a day, and mileage at the rate of ten cents a mile. In the concluding clause, it provides that the bill "shall not extend to the counties wherein the compensation of such offices are now fixed by special laws." This clause is, in my judgment a fatal legal vice. The bill is by its title general, and applies to all counties having county auditors. The concluding proviso, however, excepts out of the operation of the measure those counties the compensation of whose auditors is fixed by special laws. There is no legal authority for such a division of counties, or making such a distinction between them. The law knows no such classes of counties as those governed by general laws and those governed by special laws. The Constitution commands that all laws relating to counties shall be general, and it expressly prohibits the General Assembly from passing any local or special law regulating the affairs of counties. What could be more special than a bill which selects such counties as are not governed by special laws and regulates their affairs alone? Would the bill be any more objectionable if it expressly named the counties it was intended to affect? If it did so name them, its unconstitutionality would be admitted by every one. Can a broad Constitutional provision be overridden by such a transparent evasion as, instead of designating the counties sought to be affected by name, calling them counties "not governed by special laws,' or, what is the same thing, excepting out of a general statute such counties as are governed by special laws? Counties and cities have by law been



divided into classes according to population, and such laws have been decided by the courts to be constitutional. When, however, in a bill relating to one of such classes a proviso is inserted taking certain members of the class out of the operation of the bill, there is another division of the class made not authorized by law. By such means, the wholesome prohibition of the Constitution against special legislation is whittled away, and if it is permitted to continue, legislation will become just as local and special as it was before the adoption of the present Constitution. The evils of such special legislation are so well known, and the benefits of the prohibitions of the Constitution of 1874 so manifest and approved, that anything which looks towards a return to those evil days should, if possible, be prevented.

ROBT. E. PATTISON.

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Veto of "An Act to Repeal 'An Act to Require the Assessors of the Several Townships Within This Commonwealth to assess all Seated Lands in the County in which the Mansion-house is Situated, Where County Lands Divide a Tract of Land.' "

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 8, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 34, entitled "An act to repeal an act entitled 'An act to require the assessors of the several townships within this Commonwealth to assess all seated lands in the county in which the mansion-



house is situated, where county lines divide a tract of land,' approved June first, one thousand eight hundred and eighty-three."

The act which this bill proposes to repeal was passed so recently as June first, one thousand eight hundred and eighty-three. The very next succeeding Legislature attempts to undo the work of its predecessors. Such legislative vacillation is not to be commended. It gives rise to uncertainty in our laws, is productive of litigation, tends to popular doubt and discontent, and savors of local or personal caprice. Permanency and certainty are the great ends to be sought in the making of laws. The unrest and inconvenience which comes of experimental legislation is vexatious to the citizen and is a thing to be avoided.

As to this particular bill, I have heard no reason given for its passage. The act of one thousand eight hundred and eighty-three, which it proposes to repeal, is a wise enactment, intended for the convenience and benefit of citizens owning seated lands, lying partly in different counties. No complaint has been made of its operation. It is possible that a few persons may believe that in some way they would receive some advantage in matter of taxation by its repeal. This is an insufficient reason, however, for abrogating a general law the provisions of which are not alleged to be in themselves bad. I decline, therefore, by my approval, to unsettle the act of one thousand eight hundred and eighty-three.

ROBT. E. PATTISON.

Veto of "A Supplement to 'An Act Relating to Counties and Townships and County and Township Officers,' Regulating the Pay of County Commissioners."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 8, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 76, entitled "A supplement to an act entitled 'An act relating to counties and townships and county and township officers,' approved the fifteenth day of April, Anno Domini one thousand eight hundred and thirty-four, regulating the pay of county commissioners."

This bill is not, as its title says, a "supplement," but is, in fact and terms, an amendment to the twenty-sixth section of the act of April 15, 1834, and increases the pay of county commissioners from one dollar and fifty cents to three dollars a day. By a concluding provision, the act is not to extend to "the counties wherein the compensation of such officers are now fixed by special laws, or by laws providing for the payment of salaries." This exception is, in my opinion, unlawful and makes the bill a special one, obnoxious to section 7, Article III, of the Constitution, prohibiting the passage of local or special laws regulating the affairs of counties. For a fuller expression of my views on this subject, I refer to the objection to House bill No. 12, this day filed in the office of the Secretary of the Commonwealth.

ROBT. E. PATTISON.

Veto of "A Further Supplement to 'An Act to Provide for the Incorporation and Regulation of Certain Corporations,' Authorizing the Formation and Incorporation under the Provisions of Said Act of Corporations for Profits of the Second Class, for the Erection and Maintenance of Halls for Public or Private Purposes, and Also Corporations for Profits of the Second Class for Carrying on any Lawful Business and Amending the Thirty-first Section Thereof, Prohibiting the Maintenance and Operating of a Ferry within Three Thousand Feet of the Ferry of any Company Incorporated Under the Laws of this Commonwealth."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 8, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 126, entitled "A further supplement to an act entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-nine, one thousand eight hundred and seventy-four, authorizing the formation and incorporation under the provisions of said act of corporations for profits of the second class, for the erection and maintenance of halls for public or private purposes, and also corporations for profits of the second class for carrying on any lawful business, and amending the thirty-first section thereof, prohibiting the maintenance and operating of a ferry within three thousand feet of the ferry of any company incorporated under the laws of this Commonwealth."

This bill purports to be a further supplement to the act entitled "An act to provide for the incorporation and regulation of certain corporations," approved April 29, 1874, and aims to amend the thirty-first section

thereof, reciting it in exact words. This it cannot do, for that section, as thus recited, is not the law of the State to-day. It was amended and materially changed by section seven of an act entitled "A supplement to an act approved April twenty-ninth, one thousand eight hundred and seventy-four, entitled 'An act to provide for the incorporation and regulation of certain corporations,' providing for the further regulation of such corporations, and for the incorporation and regulation of certain additional corporations," approved April 17, 1876, and that supplement is now the law. This bill makes no reference to this supplement, but seeks to amend a section which has no existence. I, therefore, decline to approve it.

ROBT. E. PATTISON.

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Veto of "An Act for the Encouragement of Forest-Culture and Providing Penalties for the Injury and Destruction of Forests."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 8, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth.

Senate bill No. 145, entitled "An act for the encouragement of forest culture, and providing penalties for the injury and destruction of forests."

The objection to this bill lies mainly in the obscurity of the provisions of the first section. That section provides that the owner or owners of any land planted with forest-trees in number not less than twelve hundred to the acre "shall be entitled to receive annually

from the commissioners of their respective counties a sum of money equal to ninety per centum of all the taxes annually assessed and paid for a period of five years after the land has been so set apart and used; a sum of money equal to eighty per centum of all the taxes annually assessed and paid during the following five years the land continues to be so set apart and used, and a sum of money equal to fifty per centum of all the taxes annually assessed and paid during the following ten years the land continues to be so set apart and used."

What does this language mean? Upon what is the per centum to be computed? Is it "upon all the taxes annually assessed and paid" in the county; or "annually assessed and paid" by the party; or "annually assessed" against the particular land devoted to forest-culture and paid by its owner? The latter, I suppose, is what was intended, yet either of the other constructions would be admissible from the language adopted. There ought to have been no difficulty in making the meaning of the act perfectly clear; but because of its ambiguity and the doubt and litigation to which it may give rise, I withhold my approval.

ROBT. E. PATTISON.

Veto of "A Supplement to 'An Act to Provide for the Submission of Civil Cases by Agreement of the Parties to a Referee Learned in the Law,' Allowing Exceptions to be Filed to Referee's Reports and Authorizing Courts to Hear such Exceptions and to Alter, Amend or Reverse Such Reports, or to Refer the Same Back to the Referees, or to Enter Final Judgment Thereon."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 8, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 188, entitled "A supplement to an act entitled 'An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law,' approved the fourteenth day of May, Anno Domini one thousand eight hundred and seventy-four, allowing exceptions to be filed to referee's reports and authorizing courts to hear such exceptions, and to alter, amend, or reverse such reports, or to refer the same back to the referees, or to enter final judgment thereon." .

This bill contains some desirable provisions, but is, in one particular, objectionable, as, no doubt through oversight, it permits an evident injustice. The bill authorizes a writ of error or appeal from the final judgment of the court upon the reports of referees only in cases where exceptions were duly filed with the referee. The courts are also empowered by the bill to confirm the report of a referee, to alter, amend, or reverse it, or send it back to the referee for further proceedings. Of course the party in whose favor the report is will not file exceptions. Suppose, therefore,

the court, after hearing exceptions by the party adversely affected by the report, should sustain such exceptions, and enter a final decree accordingly; under this bill the other party could not have his writ of error or appeal, because he had filed no exceptions with the referee. But why should he have filed such exceptions? The report being in his favor, he, of course, would not except to it. Yet by this bill, for not having filed exceptions with the referee to report in his favor subsequently reversed by the court, he is deprived of his appeal. This is a hardship and injustice to which I cannot give my approval.

ROBT. E. PATTISON.

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Veto of "An Act Making an Appropriation for the Enlargement of the Burial-Vault of the Scott Legion of Philadelphia."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 8, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 578, entitled "An act making an appropriation for the enlargement of the burial-vault of the Scott Legion of Philadelphia."

This bill appropriates three thousand dollars to the Scott Legion of Philadelphia for the purpose of enlarging its burial-vault for veterans of the Mexican war in Glenwood cemetery, Philadelphia. The bill is in conflict with section 18 of Article III of the Constitution, which prohibits appropriations for charitable or benevolent purposes to any person or community,



except for pensions or gratuities for military services. The association which is made the beneficiary of this bill is no doubt engaged in a highly patriotic and commendable work and may stand in need of the relief proposed, but it is not competent for the Legislature, because of the Constitutional prohibition cited, to make an appropriation of the public moneys for such purposes, and I must therefore withhold my approval.

ROBT. E. PATTISON.

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Veto of "An Act to Encourage and Authorize the Formation of Co-Operative Associations, Productive and Distributive, by Farmers, Mechanics, Laborers, or Other Persons."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 9, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 18, entitled "An act to encourage and authorize the formation of co-operative associations, productive and distributive, by farmers, mechanics, laborers, or other persons."

There are several features of this bill which are violative of the Constitution of the State, and render it impossible for me to affix my signature to it.

The article of association are required to state among other things, "whether its capital stock is fixed, and, if so, at what amount, or whether such capital is to be of an amount varying from time to time as the business may require." The stock capital is to be of two kinds: one called "permanent stock" and the

other "ordinary stock." The former shall not be withdrawable, but the latter may be repaid, transferred, or withdrawn. By this arrangement, the amount of the capital stock might be constantly changing according to the whims or wishes of one or more of the shareholders. The withdrawal of shares might cause a decrease of the capital stock at any time, and there is no limitation upon the allotment of shares to members, so that it might be increased to any extent at any time. This is clearly transgressive of that clause of section 7 of Article XVI of the Constitution whose inhibition is contained in these words: "The stock and indebtedness of corporations shall not be increased except in pursuance of the general law, nor without the consent of persons holding the larger amount in value of the stock first obtained, at a meeting to be held after sixty days' notice given in pursuance of law." There is a general law in existence providing the manner in which capital stock shall be increased or decreased.

Again: This bill authorizes the issue of shares of either class of stock which "may be paid in one sum, or by periodical instalments, or by occasional subscriptions, or by interest thereon, or by profit dividends." This is unwarranted, for the first clause of the section hereinbefore cited provided that "no corporation shall issue stocks or bonds except for money, labor done, or money or other property actually received."

Further: It is provided, "that it shall be lawful \* \* \* for any minor to \* \* \* make loans or deposits of money to or with any such association," &c. This provision would confer upon these associations the privileges of banks of deposit, and allow the exercise of them without previous public notice of the application for a charter, and the charter would be without limitation of time upon the grant of these privileges. This is expressly forbidden by section 11

of Article XVI of the Constitution, in the following language: "No corporate body to possess banking and discounting privileges shall be created or granted in pursuance of any law without three months' previous public notice, at the place of the intended location, of the intention to apply for such privileges, in such manner as shall be prescribed by law, nor shall a charter for such privilege be granted for a longer period than twenty years."

It is unnecessary to consider any of the other features of the bill, as the objections herein pointed out are insuperable.

ROBT. E. PATTISON.

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Veto of "An Act for the Relief of the Estate of Doctor William J. Haus, deceased, of the Borough of Mount Carmel, Northumberland County."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 9, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 32, entitled "An act for the relief of the estate of Doctor William J. Haus, deceased, of the borough of Mount Carmel, Northumberland county."

This bill is objectionable in several particulars. The time when the services for which payment is to be made were rendered is not stated with any degree of definiteness. No year is given. The period is fixed as "during the labor troubles in the coal regions of the State."

The extent of the services rendered is shrouded in

the same uncertainty. The length of time during which medical attention was given, the number of visits paid, the items and amounts of charges, are all left to conjecture, so far as the Commonwealth can be informed. It seems to me that in cases of this character, the accounts should be subjected to the supervision of the accounting officer of the State before payment by the Treasurer; and bills which appropriate the moneys of the State without this safeguard, cannot ordinarily be justified. All such claims should be carefully audited; and especially is this true when a long period of time has elapsed since the facts arose upon which the claim is founded. For these reasons I decline to approve this bill.

ROBT. E. PATTISON.

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Veto of "An Act Providing for the Establishment and Operation of a Scientific Agricultural Experiment Station and Providing the Means Therefor."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 9, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 66, entitled "An act providing for the establishment and operation of a scientific agricultural experiment station and providing the means therefor." This bill establishes what it terms a scientific agricultural experiment station at and in connection with the Pennsylvania State College, and it appropriates eight thousand dollars yearly, for four years, for maintaining the said station. A bill for a similar

purpose to this was passed at the session of the Legislature of 1883, and was filed in the proper office, with objections by the Executive, on the 5th day of July, 1883. I refer to that paper for a statement of my general objections to the purpose of this bill. The history of the State College is not such as to induce me to look with favor upon any legislation having in view the expenditure of more money upon it, or the enlargement of its field of operations. It has not been productive of any practicable results commensurate with its cost. I still adhere to the belief heretofore expressed that any money intended to aid the agricultural interests could be better and more economically used through the State Agricultural Board than through any other medium. That board has the confidence of the agricultural community, and its work has been highly satisfactory and done at a moderate cost. To adopt this bill would be to dissipate the resources of the Commonwealth available for agricultural purposes and establish a permanent experiment to be a yearly drain on the treasury. Moreover, if such an enterprise as that intended by this bill is to be established, it seems to me that it would be much better to locate it upon or near the main line of some railroad, where it would be more accessible, than at the remote point now occupied by the State College.

ROBT. E. PATTISON.

## Veto of "An Act Regulating Proceedings upon Mortgages."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 9, 1885.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 84, entitled "An act for regulating proceedings upon mortgages."

This bill comes to me, as do all other bills, certified by one of the committee to compare bills, and signed by the presiding officers of the two Houses of the General Assembly; and yet, owing to the incapacity or carelessness, or both, of the transcribing clerk, it is in a condition unfit to go upon the statute-book. There is no authority any where given to any person to remedy such defects, and were it to become a law by the affixing of my signature, it would have to be printed as it is written. It is grossly defective in orthography. Hereditaments is spelled "hereditments;" encumbrances, "encumberances;" proceeded, "proceeded;" manner, "maner;" required, "required;" decree, "de-ree;" costs is written "cost." Syllables and words are omitted. Another is written "anoth." The first line of section 3 begins: "If the or holders of the mortgages," &c. The word "owners" is evidently omitted. There is a substitution of a wrong for the proper word. What was meant to be "Shall forever discharge and release the same as effectually," &c., is rendered, "Shall forever discharge and release the same and effectually." &c.

These inaccuracies and blunders are wholly inexcusable.

I am led to make these comments by the fact that some of the bills passed at the recent session have been

reluctantly signed by me, although they show similar inaccuracies and blunders, because I was of the opinion that they contain needed legislation.

There is no necessity for the changes made by this bill so urgent as to require me to overlook its glaring defects; and therefore I withhold my signature from it.

ROBT. E. PATTISON.

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Veto of "An Act Making an Appropriation for the Relief of Hiram Koonce, of Mercer County."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 9, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 106, entitled "An act making an appropriation for the relief of Hiram Koonce of Mercer county."

This bill appropriates five hundred and twenty dollars to Hiram Koonce. He was the father of Edward Koonce, a soldier of the National Guard of the State, who, the bill says, died February 9, 1880, from disease contracted while in the line of duty, in July, 1877. To reimburse the father for the cost of maintaining and caring for his son and burying him, this bill makes the appropriation named. The Constitution expressly forbids the General Assembly making such appropriations. Section 18 of article III provides that "no appropriations (except for pensions or gratuities for military services) shall be made for charitable, educational, or benevolent purposes to any person or community." Hiram Koonce, the beneficiary of this bill,



performed no military services, and however strongly his condition may appeal to private charity, he cannot be relieved from the public treasury.

ROBT. E. PATTISON.

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Veto of "A Supplement to 'An Act to Provide for the Incorporation and Regulation of Certain Corporations,' Amending the Twelfth Section of said Act, and Thereby Relieving Full-Paid Capital Stock from Liability to Further Assessment."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 9, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 133, entitled "A supplement to an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, amending the twelfth section of said act, and thereby relieving full-paid capital stock from liability to further assessment."

The title of this bill is defective. It does not clearly set out the purposes of the bill, which contains provisions which the title does not indicate. I am informed that, as a matter of fact, the title was corrected so as to conform to the bill during the last night of the session, when the bill passed, but that, in the hurry of that period, the title was not correctly transcribed. This is a matter, however, which it is impossible now to remedy. I am bound to take the bill as it is certified to me by the proper officers of the two Houses,

and as the title is constitutionally defective, I am obliged to withhold my approval. The bill contains three distinct purposes touching corporations, while the title limits the application to one purpose only, to wit, the amendment of the twelfth section of the general corporation act of 1874. The title is thus unquestionably in violation of section 3 of Article III of the Constitution.

ROBT. E. PATTISON.

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Veto of "A Further Supplement to 'An Act Dividing the Cities of this State into Three Classes; Regulating the Passage of Ordinances Providing for Contracts for Supplies and Work for said Cities; Authorizing the Increase of Indebtedness and the Creation of a Sinking Fund to Redeem the Same; Defining and Punishing Certain Offenses in all of Said Cities, and Providing for the Incorporation and Government of Cities of the Third Class.' "

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 9, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 190, entitled "A further supplement to an act, entitled 'An act dividing the cities of this State into three classes; regulating the passage of ordinances providing for contracts for supplies and work for said cities; authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same; defining and punishing certain offenses in all of said cities, and providing for the in-

corporation and government of cities of the third class, approved May twenty-third, one thousand eight hundred and seventy-four."

On account of the defects in the title of this bill, I am unwilling to give it my approval. It is entitled "A further supplement" to an act which divides the cities of the State into three classes, namely: the first, second, and third classes. That is all the information which the title gives. The purpose of the bill is not only not clearly expressed in its title, but it is not expressed at all. It is, therefore, within the prohibition of section 3 of Article III of the Constitution.

Moreover, the provisions of the bill relate exclusively to cities of the fifth class, a class which is not created by the act to which this bill purports to be a supplement. The act creating cities of the fifth class bears date the eleventh day of April, A. D. 1876, and no reference to it is made in the title to this bill.

ROBT. E. PATTISON.

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Veto of "An Act to Fix the Fees of Sheriffs in Counties Containing Over Five Hundred Thousand Inhabitants, and of Those Performing Duties under Them and the Manner of Collecting and Paying the Same."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 9, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 193, entitled "An act to fix the fees of sheriffs in counties containing over five hundred

thousand inhabitants, and of those performing duties under them, and in the manner of collecting and paying the same."

This bill will apply only to the city of Philadelphia. The bill does not increase any of the fees now allowed by law, but authorizes the charging of three new kinds of fees, to wit:

"For the appraisement and return of property claimed under the act of April nine, one thousand eight hundred and forty-nine, and the supplements thereto, the sum of five dollars, to be paid by the plaintiff in the execution, from which sum the sheriff shall pay each appraiser one dollar."

"Watchmen for each day actually on duty, two dollars and fifty cents."

"The same fee is also allowed for night duty. The fees received from these services are to be paid by the sheriff to the watchmen employed."

"Levy on goods, lands, or tenements, and selling the same, or the collection of money on any process (for each) dollar collected or paid to him as purchase money not exceeding one thousand dollars, two per centum."

Without now discussing whether the additional fees thus allowed are extravagant or not, or may in their operation prove burthensome, I disapprove of the bill because of my objections to the general policy of increasing fees. The sheriff of Philadelphia county has heretofore conducted his business without being allowed any of these fees; and in the past no complaint was made that the fee bill was insufficient. During a long course of years, no poundage has been allowed on sums less than one thousand dollars; and the same is true also of the fee proposed for an appraisement made upon a claim of the exemption law. The appointment of watchmen has heretofore been a voluntary thing by the sheriff, and generally at the per-

sonal request and cost of the plaintiff in the execution. There is no public requirement now calling for these increased costs upon debtors, and in the absence of such a demand, I regard it as impolitic and partaking of the nature of an oppression to add to the burthens of the unfortunate pursued to execution for the payment of their debts.

ROBT. E. PATTISON.

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Veto of "A Supplement to 'An Act to Consolidate, Revise, and Amend the Penal Laws of this Commonwealth,' Providing for the Punishment of Certain Persons as Officers, Directors, Superintendents, Managers, Receivers, Employes, Agents, Attorneys, Brokers or Members of Banks and Other Bodies Corporate, Public Companies, Municipal or Quasi-Municipal Corporations."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 9, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 210, entitled "A supplement to an act, entitled 'An act to consolidate, revise, and amend the penal laws of this Commonwealth,' approved the twelfth day of June, one thousand eight hundred and seventy-nine, providing for the punishment of certain persons as officers, directors, superintendents, managers, receivers, employes, agents, attorneys, brokers, or members of banks and other bodies corporate, public companies, municipal or quasi-municipal corporations."

This bill is a flagrant instance of careless and inaccurate legislation, and as it relates to the criminal code, I refuse to give it my approval alone because of its mis-recitals and inaccuracies. It is termed in its title a suplement to an act, entitled "An act to consolidate, revise, and amend the penal laws of this Commonwealth," approved June 12, 1879. There is no law of that title approved June 12, 1879, or on any other day of that year. The title is, therefore, erroneous. The body of the bill proceeds to amend an act, entitled "An act to consolidate, revise and amend the penal laws of this Commonwealth," approved June 12, 1878. Here is a conflict between the title and the bill itself, the one stating the act as of the 12th of June, 1879, and the other as of the 12th of June, 1878.

Again: In each instance the title of the recited act is given as "An act to consolidate, revise, and amend the penal laws of this Commonwealth." Now the only act in existence bearing that title was approved March 31, 1860, and not in either of the years 1878 or 1879. There was an act passed June 12, 1878, upon the subject of the penal laws, and which this bill amends, but its title is as follows: "An act supplementary to an act, entitled 'An act to consolidate, revise, and amend the penal laws of this Commonwealth,' approved the thirty-first day of March, Anno Domini one thousand eight hundred and sixty." It will thus be seen that in no single instance has the bill before me properly designated the act which it amends. It would be a travesty upon legislation to put such a loose and inaccurate act upon the statute-book relating to important crimes and inflicting serious punishment upon the citizens.

ROBT. E. PATTISON.

Veto of "An Act Relieving Tenants from the Payment of Rent for Buildings Hereafter Destroyed or Rendered Untenantable by Accidental Fire, Wind, or Storm."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 9, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 214, entitled "An act relieving tenants from the payment of rent for buildings hereafter destroyed or rendered untenable by accidental fire, wind, or storm."

The first objection to this bill is that it is legislative interference with a subject that ought to be left to the parties themselves to regulate by contract, and that it disturbs the settled and ancient policy of law that the landlord does not warrant the tenantability of the premises he leases. The bill would, I fear, promote litigation. Just when a house is "untenantable," or becomes so, is a question of fact as to which a landlord and tenant would very seldom agree. Untenantability is a term of uncertain meaning. The bill also provides that when any rented building rendered untenable shall constitute only part of the rented premises included within a single lease, the tenant shall only be entitled to an abatement in the rent, "equal to one per centum on the value of the building rendered untenable" for each month needed to put it in repairs. Here would arise another fruitful subject of litigation. Who is to determine the value of the building or part of the building rendered untenable? Then again, does not the language of the bill authorize a tenant of a house, one room of which is rendered untenable, to have an abatement of one



per centum of the value of the entire building? If this is so, might not the abatement amount to the whole rent, while only a very small portion of the building was injured?

Altogether, the bill, it seems to me, is unnecessary. All of its provisions may, by agreement of the parties, now be incorporated in a lease. If the bill should become a law, it is likely that hereafter leases would be drawn containing a clause waiving the benefits of the act, just as now the exemption law is waived in most leases. The bill, I do not think, would be of any real benefit to renters, and it is very certain that it would greatly increase disputes and litigation between landlords and tenants.

ROBT. E. PATTISON.

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Veto of "An Act for the Relief of the State Agricultural Society."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 9, 1885.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 502, entitled "An act for the relief of the State Agricultural Society."

This bill appropriates six thousand dollars to the State Agricultural Society, which sum, the bill says, is "a part of the extraordinary expenses incurred in the erection of buildings for the advancement of the agricultural interests of the Commonwealth." The State Agricultural Society is a stock corporation, owned and controlled by private citizens. It has no

official connection with the State Government. Its debts are private debts voluntarily contracted; its profits, if any, are personal gain—the property of its stockholders. I know of no law authorizing the State to assist such a corporation to pay its debts, and any attempt to do so is, in my judgment, in violation of section 18 of Article III of the Constitution. I, therefore, withhold my approval.

ROBT. E. PATTISON.

Veto of “An Act Repealing ‘An Act to Prevent the Running of Swine at Large,’ so far as it Relates to so Much of the Then County of Northumberland as is Now Embraced with the Limits of Centre County.”

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 9, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 689, entitled “An act repealing an act passed March twenty-seventh, one thousand seven hundred and eighty-four, entitled ‘An act to prevent the running of swine at large,’ so far as it relates to so much of the then county of Northumberland as is now embraced within the limits of Centre county.”

This bill and its title do not correspond. The title mis-recites the enactments of the bill. Moreover, the title itself is inaccurate, and refers to an act that has no existence. By the title the bill is said to repeal an act passed March 27, 1784, entitled “An act to prevent the running of swine at large.”

There is no law of that title passed upon that date. The law thus entitled, to which reference is probably intended, was passed in 1705. The title is, therefore,

false. The body of the bill is entirely different from the subject set out in its title, even supposing the title to be correct in its reference. The bill repeals the act of March 27, 1784, "repealing or making void as to the counties of Bedford, Northumberland, Westmoreland, Washington and Fayette, the provisions of the act of Assembly, passed one thousand seven hundred and five, entitled 'An act to prevent the running of swine at large,' and the supplement thereto, passed the tenth day of May, one thousand seven hundred and twenty-nine, so far as the same relates to so much of the then county of Northumberland as is now embraced within the limits of Centre county." This recital is not a correct statement of the title of the act of March 27, 1784, yet it is probably sufficiently descriptive not to mislead. What then does this bill do? In 1705 an act was passed, entitled "An act to prevent the running of swine at large." The act related to lands within fourteen miles of the Delaware river. On the 10th of May, 1729, a supplement was passed to the foregoing act extending its provisions over the entire Province of Pennsylvania. On the 27th of March, 1784, an act was passed which made null and void the act of 1705 and its supplement of 1729, as to the counties of Bedford, Northumberland, Westmoreland, Washington and Fayette. The bill before me repeals this last repealing act, so far as it relates to so much of the then county of Northumberland as is now embraced in Centre county. That is to say, by repealing the repealing act of 1784, it revives and re-enacts the acts of 1705 and 1729, as to the part of the then county of Northumberland now in Centre county. Whether or not this is what the draughtsman of the bill intended, I cannot tell. The title would seem to indicate that he had no such purpose in mind, but the title is so erroneous as to be valueless for the purpose of reaching an understanding of the bill. Aside from the objec-

tion to the title, however, the bill attempts that which is expressly forbidden. Section 7, Article III, of the Constitution, among other things, provides that no local or special laws shall be passed regulating the affairs of counties; and the General Assembly shall not "indirectly enact such special or local law by the partial repeal of a general law." This bill does enact, as to a part of a county, a local law by the partial repeal of the act of March 27, 1784. For these various reasons I decline affixing my signature to the bill.

ROBT. E. PATTISON.

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Veto of "An Act to Regulate Hawkers and Peddlers, and Provide Penalties for Peddling Without License."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 10, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 75, entitled "An act to regulate hawkers and peddlers, and provide penalties for peddling without license."

It is extremely doubtful, if this bill were to become a law, whether it would be of benefit to the masses of the people. Its effect, as it appears to me, would be to prevent them from buying where they might possibly buy cheapest. Any legislation which tends to restrict the market in which people may buy or limit the opportunities for buying is objectionable because it favors the few at the expense of the many. This bill is not a police regulation; it is not a health regu-

lation, and yet it puts restrictions upon the power of the citizen to buy when and where he chooses, and at the lowest prices, because it lessens his opportunities for buying. It is open to the construction of preventing the purchase of goods on sample or on order, delivered to any person, and these have grown to be very common, popular, and convenient modes of purchase. It imposes penalties for selling the goods named in the bill without a license, and yet provides no mode by which every citizen who desires to sell may obtain a license.

For these reasons, I decline to approve this bill.

ROBT. E. PATTISON.

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Veto of "An Act to Provide for an Additional Law Judge in the Forty-eighth Judicial District."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 10, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 181, entitled "An act to provide for an additional law judge in the Forty-eighth Judicial district."

This district was formed by the judicial apportionment bill of 1883. It is composed of the counties of McKean and Potter. According to the census of 1880, the population of McKean was forty-two thousand five hundred and sixty-five, and that of Potter thirteen thousand seven hundred and ninety-seven, making fifty-six thousand three hundred and sixty-two in all. The Legislature, in 1883, thought that one judge was

sufficient to administer justice in these two counties, and only one was allowed them. This bill provides an additional law judge for this district. There has not been such a marked increase of the population of the district since it was formed as would make an additional judge an urgent necessity. Even taken into account the increase claimed for Potter county since the census was taken, the aggregate population of the two counties barely exceeds the number which the Legislature has recently indicated as the proper one to entitle a county to one judge. The Constitution now makes that number forty thousand; the proposed amendment makes it sixty thousand. Whilst this amendment relates exclusively to the right of counties containing sixty thousand population to have a judge separate and apart from other counties, still the designation of that number gives an insight into the legislative mind as to the number of population that should be embraced in judicial districts, no matter how formed. This action indicates that the trend of popular thought is towards a decrease instead of an increase of the number of judges, and I am not disposed to quarrel with those who think so.

That there are special inconveniences in this particular district, owing to the fact that the judge lives in the county seat of the smaller county and that the facilities for getting from one county seat to the other are not easy, I fully recognize. It is the misfortune of the people of the larger county that the judge does not reside there, but the same state of facts exists in other districts. The argument as to inconveniences in the matter of traveling from one county to the other applies equally to one other district at least, and perhaps to more. I am well aware that the view which I entertain against the increase of judges ought not to prescribe for myself an unbending rule. There might be circumstances arising from an extraordinary in-



crease of population or business, or both, which would justify such an increase, but I am not convinced that the facts presented in this case call imperatively for another judge. I therefore, withhold my signature from the bill.

ROBT. E. PATTISON.

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Veto of "An Act for the Relief of John Maxwell, Late Colonel of the Sixth Regiment of the National Guard of Pennsylvania."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 10, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 304, entitled "An act for the relief of John Maxwell, late colonel of the Sixth regiment of the National Guard of Pennsylvania."

This bill appropriates seven thousand dollars to John Maxwell, late colonel of the Sixth regiment, National Guard of Pennsylvania. The allegations in the preamble are that he expended a large sum of money in the organization and equipment of that regiment. That it became necessary to disband the regiment; that it was disbanded and mustered out of service on the 28th day of August, A. D. 1878; that this occurred a few days before the time fixed by law for the inspection of the National Guard of the State, when each of the ten companies of the regiment would have received from the State seven hundred dollars; that each of the said companies had assigned this amount to Maxwell to reimburse him for the money expended by him;



that these companies never received these moneys from the State, and were, therefore, unable to repay Maxwell the amount which he had advanced to the regiment, and the State Treasurer is, therefore, directed to pay him the sum named in the bill.

I am again compelled to take note of the fact that no method of auditing the account of Maxwell is contained in the bill. It dispenses entirely with the services of Auditor General. No vouchers for payments or expenditures made are exhibited. The sum of money expended is not mentioned. The only information on this point given is that Maxwell "expended a large sum of money in the organization and equipment of that regiment." Whether the sum was more or less than seven thousand dollars does not appear. The amounts that the several companies were to receive were assigned to him, but whether absolutely or as collateral security for the payment of the sums owing by them does not appear. The recital of the assignment makes no disclosure as to the amount expended. Certainly this is the kind of a case which should undergo the examination and scrutiny of the Auditor General. But the State was not in any way, or is it, under any circumstances, ever bound for moneys that a company or its officers may agree to pay. They could not enter into any contract which would be obligatory upon it. Besides, they were not entitled to the moneys if disbanded before the time fixed by law for their inspection. This officer, therefore, made these expenditures at his own risk as to whether or not these companies would be entitled to this money, and also as to receiving payment out of any moneys they might receive.

It appears, however, from information derived from the Adjutant General's Department, that two of these companies were disbanded long after the date fixed in the preamble to this bill. That date is recited as

August 28, 1878. Company "H" was disbanded August 7, 1879, and company "C," April 27, 1880. Each of these two companies received seven hundred dollars for the year 1878, and company "C" received, for the year 1879, seven hundred dollars, less the amount of material furnished for uniforms. The State has once paid the sums named for the two companies, and there is no reason apparent to me why they should be paid the second time to Maxwell. For these reasons I decline to approve this bill.

ROBT. E. PATTISON.

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Veto of "An Act to Provide for the Selection of Sites and the Erection of State Hospitals Thereon for Injured Persons, to be Located within the Bituminous and Semi-Bituminous Coal Regions of this Commonwealth, to be Called the State Hospitals for Injured Persons within the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania, and for the Management of the Same, and Making Appropriations therefor."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 10, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 500, entitled "An act to provide for the selection of sites and the erection of State hospitals thereon for injured persons, to be located within the bituminous and semi-bituminous coal regions of this Commonwealth, to be called the State Hospitals for Injured Persons within the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania, and for the management of the same, and making appropriations therefor."

This bill is intended to organize a new charitable enterprise to be supported by the State. For the purpose of beginning the enterprise the bill appropriates sixty thousand dollars. It is unnecessary for me to discuss the merits of this measure, or inquire whether the establishment of the hospitals contemplated is needful or desirable. I am willing to admit that it would be a very beneficial charity. All such schemes, if properly conducted, are beneficial and do a certain amount of good; and I suppose it is proper to say that the multiplication of charitable institutions is honorable to a community, and is an addition to the means of alleviating human misery. There is a limit, however, to the extent to which the State can go in donating its money for such purposes, and that limit has been reached in this Commonwealth. The State Treasurer, (as I have shown in the paper filed in the Secretary's office in disapproving certain appropriation bills, July 8, 1885,) will not have the money in the treasury to pay all the charitable appropriations made by the Legislature. He certifies that if all the appropriation bills passed should become laws, there will occur a deficit in the treasury. Some of them, therefore, must be denied enactment; and it seems to me it is bad policy to vote money to begin new charitable enterprises when we have not the means to maintain those already established. For these reasons, and because this bill is for the creation of a new hospital organization, for which the State does not possess the money to use for that purpose, I decline to give it my approval.

ROBT. E. PATTISON.

Veto of An Act Making an Appropriation to the Wilkes-Barre City Hospital; An Act Making an Appropriation for the Purpose of Assisting in the Establishment of the Corry City Hospital, in the City of Corry, Erie County, Pennsylvania; An Act Making an Appropriation Toward the Erection and Furnishing of a Hospital in the Borough of Johnstown; An Act Making an Appropriation to the Philadelphia Lying-in Charity and Nurse School; An Act Making an Appropriation to the Harrisburg Hospital; An Act Making an Appropriation to the Pennsylvania Oral School for Deaf Mutes; An Act Making an Appropriation to the Home for Friendless Children for the Borough of Wilkes-Barre and County of Luzerne; An Act Making an Appropriation for the Home for the Friendless at Harrisburg; An Act to Make an Appropriation to the Williamsport Hospital; An Act Making an Appropriation for the Support of the North Side Hospital of Allegheny City; An Act Making an Appropriation for the Mercy Hospital of Pittsburgh; An Act to Appropriate Certain Moneys to the Hospital Department of the Hahnemann Medical College and Hospital, of Philadelphia; An Act Making an Appropriation to the Home for Aged and Infirm Colored Persons; and An Act to Appropriate the Sum of Five Thousand Dollars to the Penn Asylum for Widows and Indigent Single Women.

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 10, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 274, entitled "An act making an appropriation to the Wilkes-Barre City Hospital."

House bill No. 312, entitled "An act making an appropriation for the purpose of assisting in the establishment of the Corry City Hospital in the city of Corry, Erie county, Pennsylvania."

House bill No. 317, entitled "An act making an appropriation toward the erection and furnishing of a hospital in the borough of Johnstown."

House bill No. 348, entitled "An act making an appropriation to the Philadelphia Lying-in Charity and Nurse School."

House bill No. 396, entitled "An act making an appropriation to the Harrisburg Hospital."

House bill No. 435, entitled "An act making an appropriation to the Pennsylvania Oral School for Deaf Mutes."

House bill No. 455, entitled "An act making an appropriation to the Home for Friendless Children for the borough of Wilkes-Barre and county of Luzerne."

House bill No. 456, entitled "An act making an appropriation to the Home for the Friendless, at Harrisburg."

House bill No. 536, entitled "An act to make an appropriation to the Williamsport Hospital."

House bill No. 537, entitled "An act making an appropriation for the support of the North Side Hospital, of Allegheny City."

House bill No. 539, entitled "An act making an appropriation for the Mercy Hospital, of Pittsburgh."

House bill No. 540, entitled "An act to appropriate certain moneys to the hospital department of the Hahnemann Medical College and Hospital of Philadelphia."

House bill No. 629, entitled "An act making an appropriation to the Home for Aged and Infirm Colored Persons."

House bill No. 630, entitled "An act to appropriate the sum of five thousand dollars to the Penn Asylum for Widows and Indigent Single Women."

These fourteen bills appropriate altogether one hundred and ninety-three thousand eight hundred dollars for the several purposes and to the respective institutions set forth in the titles. The fourteen institutions to which the money is appropriated are charitable institutions not under the absolute control of the Commonwealth. The authority for making these appropriations is contained in section 17 of Article III of the Constitution, which is in these words: "No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House." This section, by thus requiring a two-thirds vote for such appropriations, makes an exceptional limitation upon such enactments, and was obviously intended as a guard upon the treasury against what was recognized as a tendency to extravagance and unwarranted liberality in donations of public money to private charities. That this exceptional precaution in the fundamental law was not unnecessary will be apparent when we consider the large amount of money appropriated for such purposes, even with this limitation in existence. In this connection, a statement of the entire amount of appropriations for charitable purposes of all kinds made by the last Legislature will serve to give a better idea of the facts which have induced me to disapprove of the fourteen bills enumerated.

The total amount appropriated for charitable purposes, excluding penitentiaries and all educational institutions, is three million two hundred and eighty-four thousand and fifty-one dollars and twenty-one cents. Of this amount nine hundred and seventy-seven thousand eight hundred dollars is for institutions not under state control, they being local and un-



official charitable enterprises. These figures are of themselves sufficient to indicate that the action of the Legislature has been very liberal and that a careful investigation of the merits of these appropriations is a duty incumbent upon the Executive. In pursuing such investigation, the first step taken was to inquire of the State Treasurer as to the probable ability of the treasury to meet these appropriations and the other demands that would be made upon it for the conduct of the government. In reply to this inquiry the Treasurer furnished me with a detailed statement of the probable receipts of the State for the next two fiscal years, and the expenditures for the like period, that being the time covered by these appropriation bills. He estimates the receipts during that time at nine million eight hundred thousand dollars, and the expenditures, should all the appropriation bills passed be approved, at nine million nine hundred and eighty-five thousand six hundred and twenty-four dollars and thirty-five cents, which would leave a deficit of one hundred and eighty-five thousand six hundred and twenty-four dollars and thirty-five cents. With this official information thus communicated, I feel it to be my duty, by a careful scrutiny of the appropriations, to prevent, if possible, so unfortunate a condition of affairs arising as an empty treasury and warrants lawfully drawn upon it remaining unpaid. It would be a dereliction of duty for me not to make an effort to save the State from such a misfortune.

In considering the subject, this obviously just principle forced itself upon me: that the first obligation of the State was to her own charitable institutions established by her laws and controlled by her own officials. The duty to maintain these charities is urgent and binding, and they ought, first, to be supplied with the money needed for their maintenance before private organizations are given aid. I, therefore, have



signed all the bills making appropriations to the State's own charitable institutions. This left upwards of forty other bills making appropriations to institutions not under the control of the State. Which of these ought to be signed and which disapproved, which were the most worthy and deserving, and which presented the least meritorious claims; which could be disallowed with occasioning the smallest inconvenience and distress were considerations that gave me great anxiety and much serious thought, and as to which I found myself without the information needed to enable me to reach a satisfactory conclusion. There was no recourse left, therefore, but to rigidly enforce the law laid down by the Legislature for the government of this subject, and which placed the regulation of the matter in the charge of the Board of Public Charities.

The act of Assembly of April 24, 1869, provides that all charitable, reformatory and correctional institutions "now receiving or that may hereafter desire to receive State aid shall annually give notice to the said general agent of the Board of Public Charities on or before the first Monday in November in each year of the amount of any application for State aid they may propose to make, and of the several purposes to which such aid, if granted, is to be applied. Whenever any institution shall thus give notice of asking for State aid, the general agent shall inquire carefully into the ground of such request, the purpose or purposes for which the aid is asked, the amount which will be required, and into any matters connected therewith; and in the annual report the result of such inquiries shall be given, together with the opinions and conclusions of the Board thereon."

This is a wise provision, intended to impose upon the Board of Public Charities the duty of inquiring into and making report upon the subject of the desira-

bility and wisdom of all such charitable appropriations for the guidance and aid of the Legislature and Executive in passing upon such legislation. The act lodges the duty and responsibility where it properly belongs, and the body which it is to be presumed is most conversant with the subject, and the best able to reach wise and satisfactory conclusions. Neither the individual members of the Legislature nor the Executive have the time or facilities for inquiring into the merits of each application for State aid presented. The act of 1869 also very properly places a duty upon the institutions themselves that intend to make applications for aid. It requires them to submit their applications and the facts in relation thereto before a certain time each year to the general agent of the Board of Charities, to be inquired into by him, and reported upon by the Board in its annual report to the Legislature and Governor. It is not an unreasonable duty to impose upon private charitable institutions intending to ask the State to donate her funds to them for their aid and maintenance to require that they shall first submit their application to the proper State official charged by law with the supervision of her charitable work. But whatever may be said of the wisdom of such a provision, it is the law, and it becomes those charged with the execution of the law to observe and enforce it.

Of the fourteen bills which are hereby disapproved, none of them received the recommendation and approval of the Board of Public Charities in its annual report. Eight of them, to wit: those numbered 312, 317, 348, 396, 455, 456, 629 and 630, make appropriations to institutions that did not present their applications at all to the Board of Charities, and thus totally ignored the law of the State whose bounty they ask. One, to wit: No. 539, relates to an institution that did not present its application at the time pre-

scribed by law, and that was not, therefore, reported upon by the Board in its annual report. Four of them, Nos. 435, 536, 537 and 540, apply to institutions whose applications were presented and which the Board, in its annual report, either refused to recommend or expressly disapprove. One, No. 274, appropriates twenty thousand dollars to an institution which presented an application for that sum to the Board, and to which the Board, in its annual report, recommends that only ten thousand dollars be appropriated. This bill, however, in face of the recommendation of the Board, appropriates to the institution the entire amount of twenty thousand, in a lumped sum, without separating it into items. As I am thus prevented from separately disapproving the ten thousand dollars in excess of the Board's recommendation, I am obliged, in order to follow the rule I have adopted, to disapprove of the entire bill.

I am constrained to withhold my signature from all these bills by a strong conviction of duty. The State, as I have shown by the Treasurer's statement, would not have the money to pay them all should all become laws. It is my duty to refuse my assent to bills which spend more money than the State will have to spend. The institutions themselves have either not obeyed the law by presenting their applications to the Board as required, or their applications have received the disapproval of that Board. For this reason, they ought not to receive the aid they have asked for and which the bills give them. Influenced, therefore, by these considerations, I decline to approve the bills. Following the line of duty above marked out, I have also, in approving certain other bills of a similar character, disapproved of particular items contained in them excess of the sums recommended by the Board of Charities, or which that Board specifically refused to recommend.

It is but right to say that these institutions were fully advised of the purpose of the Executive to adopt the line of action he has in this matter by the paper filed disapproving certain charitable appropriations July 5, 1883, and to which I refer for further reasons on this subject. I then announced the purpose to enforce in the future the provisions of the law requiring all applications to be first submitted to and approved by the Board of Charities. The institutions that, with this law and the timely notice of the purpose to enforce it before them, refused to follow its requirements cannot now complain of hardship.

ROBT. E. PATTISON.

Veto of "A Further Supplement to 'An Act Dividing the Cities of this State into Three Classes,' et cetera, Providing for the assessment and collection of city and School Taxes; An Act Relating to the Duties of the City Treasurer in Cities of the Third Class; An Act for the Government and Regulation of County Jails or Prisons; An Act to Reduce the Number of Common Councilmen in Cities of the Third Class, and to Fix the Terms of Office of Select and Common Councilmen in such of Said Cities as Accept the Provisions of this Act; An Act to Provide for the More Efficient Collection of Delinquent Taxes and Municipal Claims in Cities of the Fourth and Fifth Classes, and for the Preservation of the Lien of the Same; An Act to Prohibit the Peddling, Selling or Hawking of Produce and Merchandise in Cities of the Fourth and Fifth Classes in this Commonwealth Without a License; An Act Providing for the Incorporation and Government of Cities of the Fourth Class in this Commonwealth; Regulating the Passage of Ordinances Authorizing the Increase of Indebtedness and the Creation of a Sinking Fund to Redeem the Same; Providing for the Assessment and collection of Taxes; defining and Punishing Certain Offenses, and Providing for the Making of Contracts for Supplies and Work for Said Cities; An Act to Establish and Define the Duties and Powers of Recorders in Cities of the Fifth Class.

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, July 10, 1885.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 81, entitled "A further supplement to an act, entitled 'An act dividing the cities of

this State into three classes,' et cetera, approved May twenty-third, one thousand eight hundred and seventy-four, providing for the assessment and collection of city and school taxes."

Senate bill No. 82, entitled "An act relating to the duties of the city treasurer in cities of the third class."

Senate bill No. 207, entitled "An act for the government and regulation of county jails and prisons."

Senate bill No. 269, entitled "An act to reduce the number of common councilmen in cities of the third class, and to fix the terms of office of select and common councilmen in such of said cities as accept the provisions of this act."

House bill No. 113, entitled "An act to provide for the more efficient collection of delinquent taxes and municipal claims in cities of the fourth and fifth classes, and for the preservation of the lien of the same."

House bill No. 192, entitled "An act to prohibit the peddling, selling, or hawking of produce and merchandise in cities of the fourth and fifth classes within this Commonwealth without a license."

House bill No. 194, entitled "An act providing for the incorporation and government of cities of the fourth class in this Commonwealth; regulating the passage of ordinances; authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same; providing for the assessment and collection of taxes; defining and punishing certain offenses and providing for the making of contracts for supplies and work for said cities;" and

House bill No. 23, entitled "An act to establish and define the duties and powers of recorders in cities of the fifth class."

All of these bills contain an option clause providing that they shall not apply to the localities that would otherwise come under the operation of the enactments

unless such localities elect to accept the legislation. This option, in my opinion, adopts a distinction unauthorized by law, and that makes the bills special and, therefore, unconstitutional.

Senate bill No. 81 provides that it shall apply to "every city of the third class which shall accept" the same by ordinance.

Senate bill No. 82 contains this clause: "The provisions of this act shall apply only to such cities of the third class as shall, by ordinance, regularly passed by two-thirds of the members elected to each branch of the councils thereof voting therefor, and approved by the mayor accepting the same."

Senate bill No. 207 enacts that the provisions of the act "shall not apply to any county until first adopted by resolution of the board of county commissioners, and said action approved by the court of common pleas of the proper county." Section twenty-one of the bill also provides that it shall not apply to any county prison governed by special laws, until such laws are specifically repealed.

Senate bill No. 269 contains this proviso: "This act shall not be in force in any city of the third class until accepted by councils thereof by ordinance."

House bill No. 113 provides that "this act shall only apply to such cities as shall accept the provisions hereof by ordinance duly adopted by the council thereof and approved by the mayor."

House bill No. 196 enacts that it shall not be in operation nor shall it go into effect in any city of the fourth and fifth classes until councils accept the same by ordinance.

House bill No. 194 provides, in the first section of Article XIII, that it shall only operate in cities accepting it by ordinance of councils. Article XIV provides that any school district in any city accepting the act may elect not to be governed by it, but to re-



main under the special laws now governing the district, or may, from time to time, accept parts of the act.

House bill No. 223 contains this language: "The provisions of this act shall not take effect in any city of the fifth class within this Commonwealth in which there is now no office of city recorder, until the same shall have been approved and adopted by ordinance of the council or councils of such cities."

The prohibition of section 7, of Article III, of the Constitution, against the passage of local or special laws "regulating the affairs of counties, cities, townships, wards, boroughs, or school districts," is absolute. The prohibition against local or special laws upon this subject includes the command that whenever laws relating thereto are passed, they shall be general in their application. Anything which defeats or limits their general application is obnoxious to the prohibition. If certain counties or cities cannot be specially legislated for by name, they cannot be thus legislated for by including them in an exception to a general law. The inhibition is against passing laws that will operate upon them alone to the exclusion of others in the same general legal category. Again, the fact whether a law is general or special is to be determined by the force of its operating words at the time of its passage, and cannot be made to depend upon the happening of any such contingency as the desire or action of the councils of a city or the act of a board of county commissioners. If the Legislature cannot give a particular county immunity from the operation of a general law, it cannot depute to a city or county the privilege of giving itself such immunity. The power denied to the superior body can not be vested by it in the subordinate. Neither can the intendment of a broad Constitutional provision be defeated by any mere juggle of words. If the law only recognizes cities of given classes, the Legislature cannot further

divide those classes into accepting and those not accepting legislation. Neither can such a division be set up as counties governed by special laws and those not governed by special laws. If this could be done, the whole purpose of the Constitutional prohibition would be defeated. Some counties or cities in given classes would be governed by one law, and some by others. If the bills now objected to should be signed, the extent or generality of their application would be dependent entirely upon the willingness or unwillingness of certain counties or cities to be governed by them. Surely, this cannot be done, and the purpose of the Constitution be defeated in such an indirect and specious manner. The tendency to this sort of legislation has become so great that I think it time to assert rigidly the spirit and letter of the Constitution. It is true that many laws containing option clauses have been enacted in the past, and some may have received the sanction of the present Executive. The recurrence of this character of enactments, however, has become so frequent as to induce me to attempt to out-root the practice, if possible.

Many of these bills contain other objectionable features which I do not deem it now necessary to discuss, as the reasons I have already assigned are, I think, insuperable obstacles to their enactment. In support of the line of argument I have adopted, I refer to the work of Mr. Buckalew on the Constitution, page seventy-three and seventy-four.

ROBT. E. PATTISON.

Veto of Part of "An Act to appropriate the Sum of Five Thousand (\$5,000) to the Home for Old Ladies, Situate at the Corner of Frankford Avenue and Clearfield Street, in the City of Philadelphia."

**A**PPROVED—THE 9TH DAY OF JULY, A. D. one thousand eight hundred and eighty-five, except as to the item of twenty-five hundred dollars to build an infirmary, which is hereby disapproved. This item was contained in the application made by the institution to the Board of Public Charities, and the Board refused in their report to recommend its appropriation. For this reason it is disapproved.

ROBT. E. PATTISON.

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Veto of Part of "An Act Making an Appropriation to the Lackawanna Hospital, in the City of Scranton."

**A**PPROVED—THE 9TH DAY OF JULY, A. D. one thousand eight hundred and eighty-five, except as to the item appropriating ten thousand dollars for the completion of building, which is hereby disapproved. This item was not asked for in the application made by the hospital to the Board of Public Charities. All the aid asked for in that application is recommended by the Board and appropriated by this bill. Those items I approve, but, adhering to the action of the Board of Charities, I disapprove of the item named in excess of their recommendations.

ROBT. E. PATTISON.

Veto of Part of "An Act Making Appropriations for the State Hospital for Injured Persons of the Anthracite Coal Regions of Pennsylvania."

**A**PPROVED—THE 9TH DAY OF JULY, A. D. 1885, except as to the following items, which, not having been recommended by the Board of Public Charities in their annual report or in excess of their recommendations are hereby disapproved, to wit:

The item of twelve thousand dollars for the erection and construction of a boiler-house, boilers and improvements in the heating apparatus and for the erection of a laundry and equipping the same.

The item of five thousand dollars for grading, improving and planting the ground for the year commencing June first, Anno Domini one thousand eight hundred and eighty-five.

The item of seven hundred and fifty dollars for furniture, beds and bedding, and the renewal of the same, for the year commencing June first, Anno Domini one thousand eight hundred and eighty-five.

The item of seven hundred and fifty dollars for like purposes for the year one thousand eight hundred and eighty-six.

The item of four thousand nine hundred and eighty-nine dollars for cementing the cellar floor and plastering the ceiling and walls of the same, and necessary repairs to the building. The Board of Public Charities recommended only five hundred dollars for these purposes.

The item of five thousand dollars for improving and enlarging the east and west wings of the building.

The item of five hundred dollars for a library.

All these items are hereby disapproved.

There are other items in the bill in excess of what the Board approved, but not wishing to leave the institution entirely without funds for its support, I have been

constrained to allow them to take effect. Certain other suggestions as to the management of the institution are, I regret to say, not incorporated in the bill as they should have been.

ROBT. E. PATTISON.

### Proclamation of Vetoes. 1885.

Pennsylvania, ss:



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. ROBERT E. PATTISON, Governor of the said Commonwealth.

#### A PROCLAMATION.

I, Robert E. Pattison governor of the Commonwealth of Pennsylvania, have caused this proclamation to issue and in compliance with its provisions of Article Four, Section Fifteen, of the Constitution thereof, do hereby give notice, that I have filed in the Office of the Secretary of the Commonwealth, with my objections thereto, the following Bills passed by both Houses of the General Assembly, viz:

House Bill. No. 183, entitled "An Act relative to livery stable keepers."

House Bill. No. 681, entitled "An Act providing for additional copies of Smull's Legislative Hand Book."

House Bill. No. 213, entitled "An Act authorizing the Courts of Common Pleas to fix by rule the fees of witnesses."

Senate Bill. No. 112, entitled "A supplement to the act regulating lateral rail roads."

House Bill. No. 119, entitled "An Act for the protection of farmers against the ravages of foxes and wild cats in the county of Clarion."

House Bill. No. 129, entitled "A supplement to an act entitled 'A supplement to an act entitled 'An act to establish an Insurance department,' approved the Fourth day of April one thousand eight hundred and seventy three providing for the incorporation and regulation of Insurance Companies and relating to insurance agents and brokers and to foreign insurance companies' approved the First day of May Anno Domini One thousand eight hundred and seventy six amending the first clause of the first section thereof so as to authorize the incorporation of Insurance Companies to make insurance either upon the stock or mutual principal against fire lightning wind tornadoes cyclones and storms on all kinds of buildings merchandise and other property and empowering all stock and mutual fire Insurance companies heretofore incorporated under said act to insure against loss or damage from lightning wind tornadoes cyclones and storms as well as fire."

House Bill. No. 130, entitled "An Act requiring the State Treasurer to refund the escheated bank deposit of Sarah E. Cook (now Sarah E. Davis.)"

Senate Bill. No. 149, entitled "An Act to enable Fire Insurance Companies to insure against loss or damage by lightning wind storms, tornadoes or cyclones."

Senate Bill. No. 155, entitled "An Act to provide for the settlement of disputes arising upon contracts with corporations by arbitration."

House Bill. No. 200, entitled "An Act for the draining of Pymatuning marsh in the County of Crawford, Pennsylvania."

House Bill. No. 222, entitled "An Act to authorize any veteran soldier or sailor to bring suit against any county borough or township in this Commonwealth to



recover the amount of money to which he became entitled by reason of his being accredited to such county borough or township on his re-enlistment to fill the quota of men then or afterwards called for from such county borough or township."

House Bill. No. 224, entitled "An Act regulating the amendment of and proceedings upon municipal claims in cities of the first class."

House Bill. No. 253, entitled "An Act to prevent swine from running at large in Greene County."

Senate Bill. No. 264, entitled "An Act to empower the supervisors and auditors of Butler Township in the County of Schuylkill to levy a special tax for the payment of certain expenses incurred in said township during the years one thousand eight hundred and eighty three and one thousand eight hundred and eighty four."

House Bill. No. 408, entitled "An Act to amend an act entitled 'An act relating to the taxes assessed upon dogs in the city of Lock Haven appropriating said taxes to the Lock Haven Library Company, approved the Tenth day of March, Anno Domini One thousand eight hundred and seventy one.'"

House Bill. No. 419, entitled "An Act to authorize Porter township, Schuylkill County, to borrow money for the payment of its indebtedness."

House Bill. No. 514, entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June One thousand eight hundred and seventy nine repealing the tax on certain manufacturing corporations and amending the Fourth section of a supplement to said act entitled 'A supplement to an act to provide revenue by taxation approved the Tenth day of June one thousand eight hundred and eighty one.'"

House Bill. No. 566, entitled "An Act authorizing the State Treasurer to refund to George M. Ramsey collateral inheritance tax paid in error."



House Bill. No. 579, entitled "An Act for the relief of the estate of Rosina Sterrett deceased late of the county of Erie."

Senate Bill. No. 9, entitled "An Act to enable citizens of the United States and corporations chartered under the laws of this Commonwealth and authorized to hold real estate, to hold and convey title which had been held aliens and corporations not authorized by law to hold the same."

Senate Bill. No. 91, entitled "An Act to pay a pension to Mrs. Alice Care the mother of Corporal William T. Care who lost his life in the military service of the state."

Senate Bill. No. 128, entitled "An Act granting an annuity to Elmira P. Mullen mother of S. J. F. Mullen deceased late a private in company E, First Regiment National Guard of Pennsylvania."

House Bill. No. 137, entitled "An Act to prescribe the manner by which the courts may divide wards in Boroughs into Election Districts."

Senate Bill. No. 159, entitled "An Act granting an annuity to Catharine Page widow of Thomas Page deceased late a corporal in Company K Seventh Pennsylvania Regiment militia of one thousand eight hundred and sixty two."

House Bill. No. 585, entitled "An Act granting a pension to Ellen Ginley widow of the late Captain James Ginley."

Senate Bill. No. 19, entitled "An Act for the better protection of the wages of labor and providing the manner in which the same may be collected."

Senate Bill. No. 106, entitled "An Act requiring the names of principals doing business through agents to have their names and the names of their agents registered in the office for the recording of deeds in the county wherein their place of business is located."

House Bill. "No. 135, entitled "An Act to enable

city county township and borough tax collectors to collect taxes for the payment of which they have become personally liable without having collected the same by expiration of the authority of their respective warrants and to extend the time for collection of the same for a period of one year from the passage of this act."

Seante Bill. No. 139, entitled "A supplement to an act relating to the collection of district and township debts in the several counties of the Commonwealth" approved the thirty first day of March one thousand eight hundred and sixty four limiting the amount which may be collected in any one year."

House Bill. No. 529, entitled "An Act to authorize the councils of cities or boroughs of this Commonwealth to provide by ordinance for injured or disabled firemen and policemen or persons in the police and fire alarm telegraph service in the employ of such cities and boroughs where such injury or disability may occur in the discharge of duty."

Senate Bill. "No. 27, entitled "A supplement to an act to extend the powers of burgesses in Boroughs."

Senate Bill. No. 46, entitled "An Act to authorize county commissioners to make contracts for the collection of forfeited recognizances and fines."

Senate Bill. No. 47, entitled "An Act to give to petitioners for charters of incorporation of the first class applied for under the act of April twenty ninth one thousand eight hundred and seventy four the right of appeal to the Supreme Court from the decision of any Court of Common Pleas or of any Law Judge thereof of this Commonwealth."

House Bill. No. 77, entitled "An Act to repeal Section Two and a portion of Section Three of an act entitled 'A supplement to the several acts relating to the borough of Uniontown, Fayette county' approved the

eleventh day of May Anno Domini one thousand eight hundred and seventy one."

Senate Bill. No. 83, entitled "A supplement to an act entitled 'An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law authorizing the trial of civil cases before a referee by jury.'"

Senate Bill. No. 127, entitled "An Act supplementary to an act entitled 'An act in relation to persons imprisoned under sentence for offences against the laws of Pennsylvania approved May Twenty first Anno Domini one thousand eight hundred and sixty nine.'"

Senate Bill. No. 129, entitled "An act for the relief of and placing on the Rolls the name of Edward Marshall late first lieutenant Company D. Fifteenth regiment Pennsylvania Cavalry."

Senate Bill. No. 132, entitled "An Act to define and punish embezzlement from unincorporated societies."

House Bill. No. 220, entitled "An Act to repeal an act entitled 'An act to authorize the establishing of a Law Library for Cumberland County' approved the Fourteenth day of April Anno Domini one thousand eight hundred and sixty-nine and a supplement thereto approved the sixth day of March Anno Domini one thousand eight hundred and seventy two."

Senate Bill. No. 226, entitled "A further supplement to an act approved the seventh day of April Anno Domini one thousand eight hundred and seventy entitled 'A further supplement to an act for the organization discipline and regulation of the militia of the Commonwealth of Pennsylvania' approved May Fourth one thousand eight hundred and sixty four."

Senate Bill. No. 263, entitled "An Act to repeal the proviso to an act entitled 'A supplement to the acts providing for the entering of satisfaction on judgments and mortgages' approved April eleventh one thousand eight hundred and fifty six."

Senate Bill. No. 286, entitled "An Act providing for the revision and abatement of illegal assessments by the Board of Revenue Commissioners for the years one thousand eight hundred and seventy five, one thousand eight hundred and seventy six and one thousand eight hundred and seventy seven."

House Bill. No. 12, entitled "A supplement to an act entitled 'An act relating to counties and townships and county and township officers approved Fifteenth day of April Anno Domini one thousand eight hundred and thirty four and fixing the compensation of county auditors.'"

Senate Bill. No. 34, entitled "An Act to repeal an act, entitled 'An act to require the assessors of the several Townships within this Commonwealth to assess all seated lands in the county in which the mansion house is situated, where county lands divide a tract of land' approved June first one thousand eight hundred and eighty three."

Senate Bill. No. 76, entitled "A supplement to an act entitled 'An act relating to counties and townships and county and township officers' approved the Fifteenth day of April Anno Domini one thousand eight hundred and thirty four regulating the pay of county commissioners."

House Bill. No. 126, entitled "A further supplement to an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty nine one thousand eight hundred and seventy four authorizing the formation and incorporation under the provisions of said act of corporations for profit of the second class for the erection and maintenance of Halls for public or private purposes and also corporations for profits of the second class for carrying on any lawful business and amending the thirty first section thereof prohibiting the maintenance and operating of a ferry within three thousand feet

of the ferry of any company incorporated under the laws of this commonwealth."

Senate Bill. No. 145, entitled "An act for the encouragement of forest culture and providing penalties for the injury and destruction of forests."

Senate Bill. No. 188, entitled "A supplement to an act entitled 'An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law' approved the Fourteenth day of May Anno Domini one thousand eight hundred and seventy four, allowing exceptions to be filed to referees reports and authorizing courts to hear such exceptions and to alter amend or reverse such reports or to refer the same back to the referees or to enter final judgment thereon."

House Bill. No. 578, entitled "An act making an appropriation for the enlargement of the burial vault of the Scott Legion of Philadelphia."

House Bill. No. 18, entitled "An act to encourage and authorize the formation of co-operative associations productive and distributive by farmers mechanics laborers and other persons."

Senate Bill. No. 32, entitled "An act for the relief of the estate of Doctor William J. Haus deceased of the Borough of Mount Carmel Northumberland County."

Senate Bill. No. 66, entitled "An act providing for the establishment and operation of a Scientific Agricultural Experiment Station and providing the means therefor."

Senate Bill. No. 84, entitled "An act regulating proceedings upon mortgages."

House Bill. No. 106, entitled "An act making an appropriation for the relief of Hiram Koonce of Mercer County."

Senate Bill. No. 133, entitled "A supplement to an act entitled 'An act to provide for the incorporation and regulation of certain corporations, approved the

twenty ninth day of April one thousand eight hundred and seventy four amending the twelfth section of said act and thereby relieving full paid capital stock from liability to further assessment."

House Bill. No. 190, entitled "A further supplement to an act entitled 'An act dividing the cities of this State into three classes' regulating the passage of ordinances providing for contracts for supplies and work for said cities authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same defining and punishing certain offences in all of said cities and providing for the incorporation and government of cities of the third class' approved May twenty third one thousand eight hundred and seventy four."

House Bill. No. 193, entitled "An act to fix the fees of sheriffs in counties containing over five hundred thousand inhabitants and of those performing duties under them and the manner of collecting and paying the same."

House Bill. No. 210, entitled "A supplement to an act entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' approved the twelfth day of June one thousand eight hundred and seventy-nine providing for the punishment of certain persons as officers, directors, superintendents, managers, receivers, employes agents attorneys brokers or members of banks and other bodies corporate public companies municipal or quasi municipal corporations."

House Bill. No. 214, entitled "An act relieving tenants from the payment of rent for buildings hereafter destroyed or rendered untenable by accidental fire wind or storm."

House Bill. No. 502, entitled "An act for the relief of the State Agricultural Society."

House Bill. No. 689, entitled "An act repealing an act passed March twenty seventh one thousand seven



hundred and eighty four entitled 'An act to prevent the running of swine at large' so far as it relates to so much of the then county of Northumberland as is now embraced with the limits of Centre county."

House Bill. No. 75, entitled "An act to regulate hawkers and peddlers and provide penalties for peddling without license."

Senate Bill. No. 181, entitled "An act to provide for an additional law judge in the Forty eighth judicial district."

House Bill. No. 304, entitled "An act for the relief of John Maxwell late Colonel of the Sixth Regiment of National Guard of Pennsylvania."

House Bill. No. 500, entitled "An act to provide for the selection of sites and the erection of State Hospitals thereon for injured persons to be located within the bituminous and semi bituminous coal regions of this Commonwealth to be called the State Hospitals for injured persons within the bituminous and semi bituminous coal regions of Pennsylvania and for the management of the same and making appropriations therefor."

House Bill. No. 274, entitled "An act making an appropriation to the Wilkes Barre Hospital."

House Bill. No. 435, entitled "An act making an appropriation to the Pennsylvania Oral School for deaf mutes."

House Bill. No. 536, entitled "An act to make an appropriation to the Williamsport Hospital."

House Bill. No. 537, entitled "An act making an appropriation for the support of the North Side Hospital of Allegheny City."

House Bill. No. 540, entitled "An act to appropriate certain moneys to the Hospital Department of the Hahnemann Medical College and Hospital of Philadelphia."

House Bill. No. 539, entitled "An act making an appropriation for the Mercy Hospital of Pittsburg."



House Bill. No. 312, entitled "An act making an appropriation for the purpose of assisting in the establishment of the Corry City Hospital in the city of Corry Erie county Pennsylvania."

House Bill. No. 317, entitled "An act making an appropriation toward the erection and furnishing of a hospital in the borough of Johnstown."

House Bill. No. 348, entitled "An act making an appropriation to the Philadelphia Lying-in Charity and Nurse School."

House Bill. No. 396, entitled "An act making an appropriation to the Harrisburg Hospital."

House Bill. No. 455, entitled "An act making an appropriation to the Home for Friendless Children for the Borough of Wilkes Barre and county of Luzerne."

House Bill. No. 456, entitled "An act making an appropriation to the Home for the Friendless at Harrisburg."

House Bill. No. 629, entitled "An Act making an appropriation to the Home for Aged and Infirm colored persons."

House Bill. No. 630, entitled "An Act to appropriate the sum of five thousand dollars to the Penn Asylum for Widows and Indigent Single Women."

House Bill. No. 192, entitled "An act to prohibit the peddling selling or hawking of produce and merchandise in cities of the Fourth and Fifth classes within this Commonwealth without a license."

House Bill. No. 113, entitled "An act to provide for the more efficient collection of delinquent taxes and municipal claims in cities of the Fourth and Fifth classes and for the preservation of the lien of the same."

Senate Bill. No. 269, entitled "An act to reduce the number of common councilmen in cities of the third class and to fix the terms of office of select and com-

non councilmen in such of said cities as accept the provisions of this act."

Senate Bill. No. 207, entitled "An act for the government and regulation of county jails or prisons."

Senate Bill. No. 82, entitled "An act relating to the duties of the City Treasurer in cities of the third class."

Senate Bill. No. 81, entitled "A further supplement to an act entitled 'An act dividing the cities of this State into three classes' et cetera approved May Twenty third one thousand eight hundred and seventy four providing for the assessment and collection of City and School taxes."

House Bill. No. 223, entitled "An act to establish and define the duties and powers of recorders in cities of the Fifth class."

House Bill. No. 194, entitled "An act providing for the incorporation and government of cities of the Fourth class in this Commonwealth regulating the passage of ordinances authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same providing for the assessment and collection of taxes defining and punishing certain offences and providing for the making of contracts for supplies and work for said cities."

And Also. Certain Items in the following House Bills, viz:

House Bill. No. 319 entitled "An act to appropriate the sum of Five thousand dollars (\$5,000) to the Home for Old Ladies situate at the corner of Frankford avenue and Clearfield street in the city of Philadelphia."

House Bill. No. 395 entitled "An act making an appropriation to the Lackawanna Hospital in the city of Scranton."

House Bill. No. 457 entitled "An act making appropriations for the State Hospital for Injured Persons of the Anthracite Coal Regions of Pennsylvania."

Given under my hand and the Great Seal of the State at Harrisburg the Eleventh day of July in the year of our Lord one thousand eight hundred and eighty five and of the Commonwealth the one hundred and tenth.

ROBT. E. PATTISON.

By the Governor:

W. S. Stenger,

Secretary of the Commonwealth.

Proclamation Relative to the Death of General  
Ulysses S. Grant.

Pennsylvania, ss:



Commonwealth.

IN THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania. ROBERT E.  
PATTISON, Governor of the said

A PROCLAMATION.



The people of the Commonwealth of  
Pennsylvania have learned with pro-  
found regret of the death of the il-  
lustrious American Soldier and ex-  
President Ulysses S. Grant.

Emerging from the quiet walks of  
a citizen's life at a critical period in the history of his  
country, he rapidly attained the highest renown in her  
military service, and on the return of peace was twice  
called to occupy her chief chair of State. Brilliant and  
successful in war, magnanimous and conservative in  
statesmanship, distinguished at home and abroad for  
his personal virtues in private life, he filled the measure

of a useful, honorable and patriotic career, and has bequeathed to his fellow citizens and posterity a name that will forever be revered.

Now, Therefore, in view of the sad event which has filled the Nation with deep sorrow, and as a fitting mark of respect to the memory of the Eminent Man who, in the Providence of God, after a painful and patient struggle with disease and death has closed his mortal life, I do direct that the flags on the public buildings of the State be placed at half mast until sundown on the day of his burial and that on that day the ordinary business of the several Departments of the State Government be suspended.

And I recommend to the People of the Commonwealth, that during the funeral obsequies on that day, they do generally observe the great solemnity of those hours by the suspension of business, the tolling of bells and such other marks of respect for the distinguished dead as by them may be deemed appropriate.

Given under my hand and the great seal of the State at Harrisburg this Twenty-fifth day of July in the year of our Lord one thousand eight hundred and eighty five and of the Commonwealth the one hundred and tenth.

ROBT. E. PATTISON,  
Governor.

By the Governor:

Jno. C. Shoemaker,

Deputy Secretary of the Commonwealth.

Proclamation Declaring the Day of the Burial of General Ulysses S. Grant a Legal Holiday. 1885.

Pennsylvania, ss:



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. ROBERT E. PATTISON, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, on Saturday the Eighth day of August A. D. 1885 the great soldier and distinguished citizen whose death the nation mourns will be laid to rest; it is fitting that the people of this Commonwealth, in his further honor should pause from their accustomed labors, when the sad and final rites of his burial take place. The loss in the death of General Grant will long be fresh in the public mind—his countrymen to whom his life service was productive of great benefits will long feel the weight of the general sorrow.

In Honoring the great and good, in testifying sorrow at the loss of the faithful and heroic, the people show their apprecitaion of public worth and teach the lesson of public duty and patriotism.

Now Therefore as a tribute of respect to his memory and in testimony of the sorrow of the citizens of this Commonwealth at the death of General Ulysses S. Grant, I do appoint Saturday the Eighth day of August Anno Domini one thousand eight hundred and eighty five, the day of his burial, to be a legal holiday, and recommend that upon that day there shall be a general cessation of business throughout this Commonwealth.

Given under my hand and the great seal of the State at Harrisburg this First day of August in the year of our Lord one thousand eight hundred and

eighty five and of the Commonwealth the one hundred and tenth.

ROBT. E. PATTISON,  
Governor.

By the Governor:

W. S. Stenger,

Secretary of the Commonwealth.

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Proclamation of a Day of Thanksgiving. 1885.

Pennsylvania, ss:



Commonwealth.

IN THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania. ROBERT E.  
PATTISON, Governor of the said

A PROCLAMATION.



During the past year we have been unusually blessed and exempted from those calamities and distresses that so often befall and afflict nations and communities. Not only have we experienced exceptional immunity from general and wide spread disasters but the steady advance of our Country in civilization, material prosperity and national grandeur has been most marked. The adaptation of our form of government to the varying wants and conditions of our people and the renewed evidence of their attachment to its institutions are the most priceless blessings that a nation can enjoy.

It is fitting therefore and a duty that the people should pause from their accustomed toil and pleasures to make acknowledgment of their dependence upon the Supreme Ruler of the Universe and by thanksgiving and praise to show that they are not unmindful

of whose hand it is that blesses and whose arm it is that protects. By so doing we shall not only evince our gratitude to the merciful God who has blessed us but will also contribute to the cultivation and spread of that religious and reverent sentiment which is the safe guard of public as it is the basis of private virtue.

In Conformity therefore with the recommendation of the President of the United States and the uniform custom of our Christian Communities I, Robert E. Pattison Governor of the Commonwealth of Pennsylvania do appoint Thursday the Twenty sixth day of November Anno Domini one thousand eight hundred and eighty five as a day of thanksgiving and prayer and do recommend that it be so observed by the citizens of this Commonwealth.

Given under my hand and the Great Seal of the State at Harrisburg this Fifth day of November in the year of our Lord one thousand eight hundred and eighty five and of the Commonwealth the one hundred and tenth, ,

ROBT. E. PATTISON.

Attest:

W. S. Stenger,

Secretary of the Commonwealth.

Proclamation of the Election of John A. Swope as a Representative of Pennsylvania in the United States Congress.

Pennsylvania, ss:



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. ROBERT E. PATTISON, Governor of the said

Commonwealth.



## A PROCLAMATION.



Whereas, In and by the Forty second Section of an act of the General Assembly of this Commonwealth entitled "An act relating to the Elections of this Commonwealth" approved the second day of July in the year of our Lord one thousand eight hundred and thirty nine it is provided that "when the returns of any special election for a Member of the House of Representatives of the United States, shall be received by the Secretary of the Commonwealth, the Governor shall declare by proclamation the name of the person elected."

And Whereas, The returns of a Special Election held in the Nineteenth Congressional District of this Commonwealth composed of the counties of York Adams and Cumberland, on Tuesday the Third day of November A. D. 1885 under the authority of writs issued in conformity with the provisions of the Constitution of the United States and the above recited act of the General Assembly of this Commonwealth have been received by the Secretary of the Commonwealth, whereby it appears that John A. Swope was duly elected to serve as a Representative of the people of this Commonwealth in the House of Representatives

## DOCUMENT RELATING TO THE PROCLAMATION.

Pennsylvania, ss:  
Robert E. Pattison, Governor.



IN THE NAME AND BY THE AUTHORITY OF the Commonwealth of Pennsylvania. ROBERT E. PATTISON, Governor of the said Commonwealth. To Samuel Eaholtz, High Sheriff of County of Adams.

Whereas, In consequence of the death of the Honorable William A. Duncan, who was a member-elect of the Forty-ninth Congress from the Nineteenth Congressional District of this Commonwealth, composed of the counties of Adams, Cumberland and York, a vacancy exists in the representation of this State in the House of Representatives, of the Congress of the United States.

of the United States, to fill the vacancy in the Forty ninth Congress occasioned by the death of William A. Duncan.

Now Therefore, I, Robert E. Pattison, Governor as aforesaid, do issue this my proclamation, hereby publishing and declaring that the said John A. Swope has been returned as duly elected in the District above mentioned a Representative of the people of this Commonwealth in the House of Representatives of the said Forty ninth Congress of the United States, in room of the said William A. Duncan deceased.

Given under my hand and the Great Seal of the State at Harrisburg this Twenty third day of November in the year of our Lord One thousand eight hundred and eighty five and of the Commonwealth the one hundred and tenth.

ROBT. E. PATTISON.

Attest:

W. S. Stenger,

Secretary of the Commonwealth.

Now, therefore, I, Robert E. Pattison, Governor as aforesaid, in pursuance of the provisions of the Constitution of the United States, and of an act of the General Assembly of this Commonwealth, entitled "An act relating to the Elections of this Commonwealth," approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine, have issued this writ, hereby commanding you the said Samuel Eaholtz, High Sheriff as aforesaid, to hold an election in the county of Adams on the day of the next general election, namely the Tuesday next following the first Monday of November, being the third day of November in the year of our Lord one thousand eight hundred and eighty-five, for the election of a Representative of the people of this Commonwealth in the House of Representatives of the Congress of the United States to fill the vacancy as aforesaid. And you are hereby required and enjoined to give lawful notice, and cause to be held and conducted the said election and make return thereof, in manner and form as by law is directed and required.

Given under my hand and the Great Seal of the State, at Harrisburg, this twenty-second day of September, in the year of our Lord one thousand eight hundred and eighty-five, and of the Commonwealth the one hundred and tenth.

By the Governor.

W. S. STENGER,

Secretary of the Commonwealth.

(Writs similar to the above were issued of the same day and date to Jesse Workinger, High Sheriff of the county of York, and to George B. Eyster, High Sheriff of the county of Cumberland.)

Proclamation of the Cancellation of One Million One Hundred and Eleven Thousand Six Hundred Dollars of the Principal Debt of the Commonwealth through the Sinking Fund.

Pennsylvania, ss:



Commonwealth.

I N THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. ROBERT E. PATTISON. Governor of the said

#### A PROCLAMATION.

Whereas, By the third section of an act of the General Assembly of this Commonwealth, entitled "An Act to establish a Sinking Fund for the payment of the public debt," approved the second day of April, Anno Domini one thousand eight hundred and fifty eight, and the Supplement thereto, approved the tenth day of April, Anno Domini one thousand eight hundred and sixty eight, it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the Sinking Fund, created by the said first recited act of the General Assembly, to report and certify to the Governor annually the amount received under the said Act, the amount of interest paid and the amount of the debt of the Commonwealth redeemed and held by them, whereupon, the Governor shall issue his Proclamation stating the fact, and the extinguishment and final discharge of so much of the principal of said debt;

And Whereas, W. S. Stenger, J. B. Niles and William Livsey, Commissioners of the Sinking Fund, in obedience to the requirements of the said enactments, report and certify to me that the amount of the debt of the Commonwealth redeemed and held by them for



the financial year ending on the thirtieth day of November, Anno Domini one thousand eight hundred and eighty five is One Million one hundred and eleven thousand six hundred dollars (\$1,111,600.00), made up as follows:

Amount of 6 per cent. loan redeemed, . .	\$7,300
Amount of 4 per cent. loan redeemed, . . .	141,000
Amount of 3½ per cent. loan redeemed, . .	80,000
Amount of 3½ per cent. loan purchased, . .	1,000
Amount of 4 per cent. loan purchased, . .	63,600
Amount of 5 per cent. loan purchased, . .	818,700

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Total amount cancelled, . . . . .	\$1,111,600
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Now therefore, I, Robert E. Pattison, Governor as aforesaid, in compliance with the provisions of the above recited act of the General Assembly, do issue this my Proclamation, declaring the payment, cancellation, extinguishment and discharge of One Million one hundred and eleven thousand six hundred dollars of the principal of the public debt of this Commonwealth.

Given under my hand and the Great Seal of the State, at Harrisburg, this ninth day of December, in the year of our Lord one thousand eight hundred and eighty-five, and of the Commonwealth the one hundred and tenth.

ROBT. E. PATTISON,  
Governor.

By the Governor:

W. S. Stenger,  
Secretary of the Commonwealth.

Proclamation of the Election of Matthew Stanley  
Quay as State Treasurer.

Pennsylvania, ss:



Commonwealth.

I N THE NAME AND BY THE  
authority of the Commonwealth  
of Pennsylvania. ROBERT E.  
PATTISON. Governor of the said

A PROCLAMATION.



Whereas, An Act of the General Assembly of this Commonwealth, entitled "An Act to provide for the receiving, opening and publishing of the returns of the election for State Treasurer, and of Auditor General when elected at the same election," approved the ninth day of May, Anno Domini one thousand eight hundred and seventy nine, provides, That whenever the Legislature shall not be assembled, and a State Treasurer or Auditor General shall have been elected at the preceding annual election, the Governor, the President Judge of the Twelfth Judicial District, the President pro tem. of the Senate, the Speaker of the House of Representatives, four members of the Senate and six members of the House of Representatives, shall meet in the Senate Chamber, at Harrisburg, at twelve o'clock noon, on the third Tuesday of January succeeding each election of a State Treasurer or Auditor General, and they, or a majority of them, being so convened, shall proceed to open, compute and publish the returns of the election for State Treasurer and Auditor General, and shall file in the office of the Secretary of the Commonwealth a certificate, signed by each of them, setting forth the aggregate number of votes received by each person voted for at such election; the Governor shall, within ten days thereafter, declare by proclama-

tion the name of the person elected to each of said offices.

And whereas, The persons composing the Commission to open, compute and publish the returns of the late General Election for State Treasurer have filed in the Office of the Secretary of the Commonwealth the certificate provided for in the above recited Act of the General Assembly, showing that Matthew S. Quay received the greatest number of votes of the persons voted for at said election to fill the Office of State Treasurer,

Now, therefore, I, Robert E. Pattison, Governor as aforesaid, in conformity with the provisions of the aforesaid Act of the General Assembly, do issue this my Proclamation, hereby declaring that Matthew S. Quay was elected to the Office of State Treasurer, at the General Election held on the third day of November, Anno Domini one thousand eight hundred and eighty five, he having received the greater number of votes of the persons voted for to fill the said office of State Treasurer at said election.

Given under my hand and the Great Seal of the State, at Harrisburg, this twenty second day of January, in the year of our Lord one thousand eight hundred and eighty six, and of the Commonwealth the one hundred and tenth.

ROBT. E. PATTISON,  
Governor.

By the Governor:

W. S. Stenger,  
Secretary of the Commonwealth.

## Arbor Day Proclamation. 1886.

Pennsylvania, ss:



Commonwealth.

IN THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. ROBERT E. PATTISON. Governor of the said

## ARBOR DAY PROCLAMATION.



In Compliance with a Concurrent Resolution of the General Assembly approved the seventeenth day of March, Anno Domini one thousand eight hundred and eighty five, I do hereby appoint Thursday the 15th day of April, A. D. 1886, to be observed throughout the Commonwealth as Arbor Day, and I recommend that the people do, on that day, plant Trees and Shrubby, in Public School Grounds, and along Public Highways throughout the Commonwealth.

Given under my hand, and the Great Seal of the Commonwealth, this nineteenth day of March, in the year of our Lord one thousand eight hundred and eighty six, and of the Commonwealth the one hundred and tenth.

ROBT. E. PATTISON,  
Governor.

By the Governor:

W. S. Stenger,  
Secretary of the Commonwealth.



Proclamation of a Day of Thanksgiving. 1886.

Pennsylvania, ss:

[Signed] Robert E. Pattison.



Commonwealth.

**I**N THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. ROBERT E. PATTISON. Governor of the said

#### A PROCLAMATION.

Whereas, According to a time honored annual custom, a day is set apart by proclamation for a general acknowledgment to God from whom all blessings flow, for the mercies and immunities He has granted to us.

Therefore, I, Robert E. Pattison, Governor of the said Commonwealth, do hereby designate and set apart Thursday, the twenty-fifth day of November, to be observed and kept as a day of Thanksgiving and Prayer.

While we remember with a sincere and practical sympathy our fellow creatures who have been called to suffer through afflictive dispensations of Providence, within our state, and throughout the Union, let us show our gratitude to Almighty God for whatever exemption from the sorrows of life we have enjoyed.

And for the liberal yield of the precious fruits of the earth, the integrity of our free institutions, the progress of education and religion, the revival of business interests, and the general happiness of the people, let us render thanksgiving unto Him, and pray for a continuance of the same.

“Thou shalt keep the Feast which is in the end of the year, when thou hast gathered in thy labors from the field.”

Given under my Hand and the Great Seal of the State at Harrisburg, this third day of November, in the year of our Lord, one thousand eight hundred and eighty-six, and of the Commonwealth the one hundred and eleventh.

By the Governor:

W. S. Stenger,

Secretary of the Commonwealth.

Proclamation of the Election of Representatives of Pennsylvania in the United States Congress. 1886.

Pennsylvania, ss:



IN THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. ROBERT E. PATTISON. Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, In and by an Act of the General Assembly, entitled "An Act relating to the elections of this Commonwealth," approved the second day of July, Anno Domini one thousand eight hundred and thirty nine, it was made the duty of the Governor, on receipt of the returns of the election of Members of the House of Representatives of the United States by the Secretary of the Commonwealth, to declare by proclamation the names of the persons returned as elected in the respective districts:

And whereas, The returns of the General Election held on Tuesday, the second day of November last past

for Representatives of the people of this State in the House of Representatives of the United States for the term of two years from the fourth day of March next, have been received at the office of the Secretary of the Commonwealth, agreeably to the provisions of the above recited Act of the General Assembly, whereby it appears that in the State at Large, Edwin S. Osborne has been duly elected;

In the First District, composed of the First, Second, Seventh, Twenty-sixth and Thirtieth Wards of the City of Philadelphia, Henry H. Bingham has been duly elected;

In the Second District, composed of the Eighth, Ninth, Tenth, Thirteenth, Fourteenth and Twentieth Wards of the City of Philadelphia and that part of the Seventeenth Ward lying West of Second Street, Charles O'Neill has been duly elected.

In the Third District, composed of the Third, Fourth, Fifth, Sixth, Eleventh, Twelfth and Sixteenth Wards of the City of Philadelphia, Samuel J. Randall has been duly elected;

In the Fourth District, composed of the Fifteenth, Twenty-first, Twenty-fourth, Twenty-seventh, Twenty-eighth and Twenty-ninth Wards of the City of Philadelphia, William D. Kelley has been duly elected;

In the Fifth District, composed of the Eighteenth, Twenty-second, Twenty-third and Twenty-fifth Wards of the City of Philadelphia, and that part of the Seventeenth Ward lying East of Second Street, Alfred C. Harmer has been duly elected;

In the Sixth District, composed of the Counties of Chester and Delaware, Smedley Darlington has been duly elected;

In the Seventh District, composed of the County of Montgomery and all that portion of Bucks County not included in the Tenth District, Robert M. Yardley has been duly elected;

In the Eighth District, composed of the County of Berks, Daniel Ermentrout has been duly elected;

In the Ninth District, composed of the County of Lancaster, John A. Hiestand has been duly elected;

In the Tenth District, composed of the Counties of Northampton and Lehigh, and the townships of Durham, Milford, Springfield, Richland, Rockhill, Haycock, Nockamixon and Tinicum and the borough of Quakertown, in the county of Bucks, William H. Sowden has been duly elected;

In the Eleventh District, composed of the Counties of Columbia, Montour, Carbon, Monroe, Pike and the townships of Nescopeck, Black Creek, Sugar Loaf, Butler, Hazel, Foster, Bear Creek, Bucks, Roaring Brook, Salem, Hollenback, Huntingdon, Fairmount, Spring Brook and that part of the City of Scranton south of Roaring Brook creek and east of Lackawanna river, and the boroughs of Dunmore, New Columbus, Goldsboro', White Haven, Jeddo and Hazleton, Charles R. Buckalew has been duly elected;

In the Twelfth District, composed of all that part of Luzerne County not included in the Eleventh District, John Lynch has been duly elected;

In the Thirteenth District, composed of the County of Schuylkill, Charles N. Brumm has been duly elected;

In the Fourteenth District, composed of the Counties of Dauphin, Northumberland and Lebanon, Franklin Bound has been duly elected;

In the Fifteenth District, composed of the Counties of Bradford, Susquehanna, Wayne and Wyoming, Frank C. Bunnell has been duly elected;

In the Sixteenth District, composed of the Counties of Tioga, Potter, McKean, Cameron, Lycoming and Sullivan, Henry C. McCormick has been duly elected;

In the Seventeenth District, composed of the Counties of Cambria, Bedford, Blair and Somerset, Edward Scull has been duly elected;

In the Eighteenth District, composed of the Counties of Franklin, Fulton, Juniata, Huntingdon, Snyder and Perry, Louis E. Atkinson has been duly elected;

In the Nineteenth District, composed of the Counties of York, Adams and Cumberland, Levi Maish has been duly elected;

In the Twentieth District, composed of the Counties of Union, Clinton, Clearfield, Elk, Mifflin and Centre, John Patton has been duly elected;

In the Twenty-first District, composed of the Counties of Westmoreland, Greene and Fayette, Welty McCullogh has been duly elected;

In the Twenty-second District, composed of the City of Pittsburgh and the townships of Chartiers, Union, Scott, Stowe, Robinson, Upper and Lower St. Clair, Baldwin, Wilkins, Penn, Snowden, Mifflin, and Jefferson, and the boroughs of Mansfield, Chartiers, Bradocks, and West Elizabeth, in the County of Allegheny, John Dalzell has been duly elected;

In the Twenty-third District, composed of all that portion of Allegheny County not included in the Twenty-second district, Thomas M. Bayne has been duly elected;

In the Twenty-fourth District, composed of the Counties of Washington, Beaver and Lawrence, Oscar L. Jackson, has been duly elected;

In the Twenty-fifth District, composed of the Counties of Clarion, Armstrong, Indiana, Forest, and Jefferson, James T. Maffett has been duly elected;

In the Twenty-sixth District, composed of the Counties of Butler, Mercer and Crawford, Norman Hall has been duly elected;

In the Twenty-seventh District, composed of the Counties of Erie, Warren and Venango, William L. Scott has been duly elected;

Now therefore, I, Robert E. Pattison, Governor as aforesaid, do issue this, my proclamation, hereby pub-

lishing and declaring that Edwin S. Osborne has been returned as duly elected in the State-at-Large, and that Henry H. Bingham, Charles O'Neill, Samuel J. Randall, William D. Kelley, Alfred C. Harmer, Smedley Darlington, Robert M. Yardley, Daniel Ermentrout, John A. Hiestand, William H. Sowden, Charles R. Buckalew, John Lynch, Charles N. Brumm, Franklin Mound, Frank C. Bunnell, Henry C. McCormick, Edward Scull, Louis E. Atkinson, Levi Maish, John Patton, Welty McCulloch, John Dalzell, Thomas M. Bayne, Oscar L. Jackson, James T. Maffett, Norman Hall, and William L. Scott have been returned as duly elected, in the several district before mentioned, as representatives of the people of this State in the House of Representatives of the United States, for the term of two years from the fourth day of March next.

Given under my hand and the Great Seal of the State, at Harrisburg, this sixteenth day of November, in the year of our Lord one thousand eight hundred and eighty six, and of the Commonwealth the one hundred and eleventh.

ROBT. E. PATTISON,  
Governor.

By the Governor:

W. S. Stenger,  
Secretary of the Commonwealth.

Proclamation of the Cancellation of Seven Hundred and Thirteen Thousand Seven Hundred and One Dollars of the Principal Debt of the Commonwealth through the Sinking Fund.

Pennsylvania, ss:



IN THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. ROBERT E. PATTISON, Governor of the said Commonwealth.

#### A PROCLAMATION.



Whereas, by the third section of an act of the General Assembly of this Commonwealth, entitled "An Act to establish a Sinking Fund for the payment of the public debt," approved the second day of April, Anno Domini one thousand eight hundred and fifty-eight, and the Supplement thereto approved the tenth day of April, Anno Domini one thousand eight hundred and sixty eight, it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the Sinking Fund, created by the said first recited act of the General Assembly to report and certify to the Governor annually the amount received under the said Act, the amount of interest paid and the amount of the debt of the Commonwealth redeemed and held by them, whereupon, the Governor shall issue his Proclamation stating the fact and the extinguishment and final discharge of so much of the principal of said debt;

And Whereas, W. S. Stenger, J. B. Niles and M. S. Quay, Commissioners of the Sinking Fund, in obedience to the requirements of the said enactments, report and certify to me that the amount of the debt of the Commonwealth redeemed and held by them for



the financial year ending on the thirtieth day of November, Anno Domini one thousand eight hundred and eighty six is Seven Hundred and Thirteen Thousand, Seven Hundred and one dollars (\$713,701.00) made up as follows:

Amount of 6 per cent. loan redeemed, ...	\$10,000 00
Amount of 4 per cent. loan redeemed, ...	241,000 00
Amount of 3½ per cent. loan redeemed, ..	9,000 00
Amount of 5 per cent. loan purchased, ...	446,600 00
Amount of 4 per cent. loan purchased, ...	7,100 00
Amount of relief note redeemed, .....	1 00

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Total amount cancelled, ..... \$713,701 00

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Now therefore, I, Robert E. Pattison, Governor as aforesaid, in compliance with the provisions of the above recited Act of the General Assembly, do issue this my Proclamation declaring the payment, cancellation, extinguishment and discharge of Seven Hundred and Thirteen Thousand, Seven Hundred and One dollars of the principal of the public debt of this Commonwealth.

Given under my hand and the Great Seal of the State, at Harrisburg, this eighth day of December, in the year of our Lord one thousand eight hundred and eighty six, and of the Commonwealth the one hundred and eleventh.

ROBT. E. PATTISON,  
Governor.

By the Governor:

W. S. Stenger,

Secretary of the Commonwealth.

## Biennial Message to the Assembly.—1887.

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, January 4, 1887.

Gentlemen:—

YOUR ASSEMBLING AT THIS TIME, IN OBEDIENCE to the requirements of the organic law, devolves upon the Executive the duty of addressing you in relation to the state of the Commonwealth, and enables him to make recommendation of measures to which your consideration is deemed needful.

The prosperity of the people is, to a large extent, dependent upon the fidelity and wisdom of their chosen legislators. The essential elements of greatness in a State, and the sources of its strength, must subsist in the citizens themselves; but the development of their resources, and the conservation and expansion of their means of happiness, prosperity, and usefulness are largely retarded or facilitated by the laws under which they live, by which their actions are regulated and their affairs adjusted. It is no light matter to legislate for five millions of people. The peculiar conditions of modern civilization have made that task the more difficult, have increased the intricacies of the social relation, augmented the mutual dependence of individuals, and welded the fortunes of the citizen closer to the action of the State. It is one of the anomalies of our free government that, with the increase of the personal liberty of the people, their collective and social limitations and restraints have likewise increased. The condition of the citizen to-day is more intimately related to and affected by the laws under which he lives than when government was less free and popular. The creation by legislative enact-

ment of new forms of wealth, of novel methods of acquiring and using property, the growth of large industries and adventures for supplying the common needs of the people, the recognition of new rights and corresponding duties, all largely subject to the regulation and control of the law-making power, and all intimately affecting the social relations of the citizen, render the office of a legislator one of peculiar power for good or evil, and impose upon him obligations of a most solemn character, the efficient discharge of which will call for a high order of industry and ability and a conscientious sense of duty.

The assembling of the people's law-makers is, therefore, an event of moment to the whole Commonwealth. The result of your deliberations cannot be neutral. By them the citizen will either be helped or hindered in the pursuit of happiness, and the common weal will be either advanced or diminished.

With the purpose of aiding you in the exercise of your functions for the best interests of the whole people, of whom we are alike the appointed servants, I now address you in the last communication which it will be my duty to convey to the legislative body.

The condition of the treasury, and the facts concerning the revenues and expenses of the State, are matters of the first importance. A wholesome financial system is at the foundation of wise and beneficial government.

I am enabled to present a gratifying exhibit of the financial condition of the Commonwealth. The report of the State Treasurer shows that the receipts during the year from the ordinary sources were as follows: Corporations, including payments for sale of main line and canal systems, \$4,792,979 56; interest income, \$149,000; licenses of all kinds, \$947,361 20; collateral inheritance tax, \$662,976 61; personal property, \$674,624 14; miscellaneous, \$293,769 62, making in all, \$7,-

520,711 13, which, with the balance on hand December 1, 1885, \$1,784,041 86, amounted to \$9,304,752 99.

The following were the payments: Department expenses, (including \$506,329 10 for judiciary, and \$132,749 61 for public printing and supplies,) \$1,128,764 50; redemption of loan, interest on loan, premiums, and purchase of United States bonds, \$2,835,544 00; charitable and penal institutions, \$1,745,972 74; common schools, \$1,150,248 13; National Guard, \$283,456 57; miscellaneous items, \$59,309 48, making the aggregate amount for the year, \$7,203,295 42. The receipts for the year were \$659,003 00 less, and the payments were \$1,311,962 11 less, than those of the preceding year.

The indebtedness of the State four years ago was \$20,225,083 28. On November 30, 1886, it was \$17,258,982 28. This reduction in four years has been \$2,966,101 00. Deducting from the total indebtedness of November last, the bonds and money held by the Commonwealth in the sinking fund, amounting to \$10,180,746 46, there remains an actual debt of \$7,078,235 82, as against an actual debt four years ago of \$12,232,099 46. This reduction has been made by cancellation of State loans and purchase of United States bonds to the amount of \$5,153,863 64, averaging over a million and a quarter a year. Meanwhile, all the ordinary expenses of government have been met, and the Treasurer reports a cash balance in the treasury, December 1, 1886, of \$2,101,457 57.

The amount in the Sinking Fund is sufficient to meet the principal of the indebtedness of the State maturing up to the year 1912, a period of twenty-five years. After the year 1894, there will only be outstanding \$6,861,000 of debt other than the agricultural college loan of \$500,000, payable in the year 1922. These latter will, of course, require the annual interest income and sinking fund appropriations. If the debt of the State had been made subject to payment at its

option, much of it might now be called, thereby saving the interest payments that, under the present circumstances, must be continued until its maturity. During the last year, \$713,700 00 of the indebtedness has been redeemed and canceled, and the sum of \$1,544,709 98 has been transferred from the general fund to the sinking fund.

The benefits of the act of June 5, 1883, providing for the investment of the sinking fund balances, will readily be appreciated when it is considered that since its passage, a period of three and one half years, purchases of four per cent. United States bonds, representing a value of \$5,305,814 38 have been made for the sinking fund.

The income of the sinking fund last year, from this investment, amounted to \$149,000, an amount sufficient to pay the entire annual expenses of the Executive, State, Auditor General's, Treasury, Secretary of Internal Affairs, and Adjutant General's Departments, or nearly two thirds of the minimum annual reduction of the principal of the State debt required by the Constitution. As the amount of this investment of the moneys of the sinking fund increases, the income from year to year will increase also. But for this wholesome provision of law, which should have been enacted long ago, this money would have been lost to the State.

It was thought that the receipts under the act of June 30, 1885, providing for the revenues of the State by taxation, would be largely in excess of those of prior years. The valuation of property subject to the tax of three mills under this act amounted to \$390,749,556 19, and yielded \$1,172,248 64, subject to credit for the amount of the compensation of examiners and collectors. That the full measure of legislative expectation has not been realized is due to imperfect assessments, refusals of a large number of citizens to report true valuations of their property sub-

ject to tax, and to the failure of some county treasurers to make returns of their collections in time for their appearance in last year's accounts.

Notwithstanding these facts, and the additional fact that the tax rate under this act is one mill less than the rate under former acts, the amount realized during the past year was a half million dollars in excess of the annual average of the six years prior thereto.

It is confidently anticipated that when the law is enforced to an extent that may reasonably be expected, a large increase in the revenues will be realized. This law does not designate any subjects of taxation not covered by the acts of 1844 and 1846, and subsequent legislation. It only provides a more exact and stringent method for the assessment and collection of taxes. It imposes no new burdens. On the contrary, it reduces the tax rate one mill on some subjects of taxation, and it has discovered a large amount of property, even under imperfect assessments, that failed, heretofore, to contribute its just proportion of support to the State Government. There was a general demand for the passage of this act. A large delegation of business men in person advocated its enactment. The objection urged most generally against its searching provision for the discovery of unreported evidences of indebtedness was that the borrower would be compelled to pay the tax thereon. To meet this objection, I would suggest a repeal of the act of March 27, 1865, entitled "An act to authorize borrowers to contract for the payment of all taxes upon loans," and an enactment specifically declaring such contracts to be unlawful.

It is evident from the statement submitted of the condition of the treasury and prospective revenues that the State can very well dispense with the receipts from tavern, retailers, eating-house, billiard licenses. These and kindred taxes are levied upon subjects pe-



culiarly of local concern, and ought to be applied for the benefit of the counties from which they are derived. To this extent they would relieve those counties of local burdens, and if collected, as they should be, by the local authorities, the cost of collection would be reduced, and needless and expensive State offices might be abolished. The retention of these revenues by the counties in which they are levied was recommended by my predecessor, and urged by me in a former message. Time has added force to the arguments in favor of such a course, and demonstrated beyond doubt that the State can well afford to dispense with such taxes. If this policy should be adopted, the office of mercantile appraiser should be abolished. These officers are now, and would then more than ever be unnecessary and burdensome. It is always good policy to consolidate as far as practicable the tax-levying offices. A multiplicity of taxing officials is vexatious and wasteful. Such consolidation, on the other hand, reduces the number of public functionaries, diminishes the expense of collection, contributes to uniformity and simplicity of methods, and materially adds to the convenience of the citizen taxpayer. The attention of the General Assembly is earnestly called to this matter, in the belief that by the adoption of the plan suggested an important benefit will be conferred upon the people of the several counties.

The ineffectiveness and partiality of the laws for the taxation of personal property must be confessed by every unbiased student of our financial policy. Of the taxes raised throughout the Commonwealth for all purposes, both local and general, real estate contributes four fifths, while its assessed value is only about one sixteenth greater than that of personal property. If our laws were competent to an exact and truthful assessment of the value of personal prop-



erty, it would, without a doubt, equal and most likely largely exceed the value of the real estate. As a matter of fact, therefore, real property in this Commonwealth is burdened by taxation four times as heavily as personal property. If we should eliminate from this comparison the taxes paid by corporations, and for licenses and other privileges granted by the State, and consider only the taxes paid by individual citizens upon their private possessions, it would be found that the owner of real estate pays quite ten times greater tax upon his property than the owner of personal estate. This inequality is a flagrant and indefensible act of injustice. The burdens of government should be equally shared—or at least as nearly equally as human laws can contrive. Since our legislative policy is to tax property rather than persons, there can be no possible excuse for selecting the houses and farms of the people to bear ten times as much of the public burdens as personal property. If things, and not persons, are to be taxed, common equity would dictate that the aggregate of a man's possessions, irrespective of their kind, and simply according to their value, should bear the infliction. What delinquency has real estate been guilty of that it should be thus unfairly discriminated against? It is the most productive, the most needful, and the most stable form of property. It adds most to our wealth, remains always with us, shelters and sustains our people, and at once attracts, and, if justly treated, retains and multiplies population. There is a baleful vice in the form of government that inflicts a penalty upon lands and houses, and makes their ownership difficult and burdensome. The farmer and householder has no right to any exemption from his fair share of the public expense, but he has a right to just and impartial treatment that cannot be ignored, except at a cost to social tranquility that must, sooner or later, be reckoned with.

That the inequality referred to exists cannot be successfully denied. It is patent to every eye. There is not a citizen in the Commonwealth paying a tax upon his home or farm who cannot point to some neighbor owning many times as much in personal goods and idle capital, who yet pays an immeasurably less amount of tax. It is useless to answer such undeniable facts by any intricate theory as to the ultimate distribution of all taxation. Such unjust discrimination is working untold evil to our people, is oppressing the poor; is exempting the rich; is day by day establishing unfortunate social distinctions that are foreign to our principles of government, destructive of the happiness and energies of men, and blasting the hopes that we have all prayerfully entertained of our country becoming the home of a contented and happy people.

The time is ripe for the inauguration of earnest efforts to eradicate the evil complained of. The General Assembly should promptly and heartily enter upon the task of reforming the tax laws of the State. That the subject is beset with difficulties, and has heretofore been considered without successful result, is no reason for abandoning the attempt at this session. Some measure at least should be adopted as a stepping-stone to the end desired. It was suggested in my last message, and is again urged, that, as a primary movement, a revenue law be framed by which the entire cost of the State Government should be met by taxation upon corporations, and the receipts from taxes upon other forms of personal property be returned to the several counties, to relieve to that extent the real estate therein.

Various bills have been in the past, and will again be, submitted to the General Assembly by the farming and agricultural interests, looking to a complete and systematic revision of the entire local and general

methods of taxation. Many excellent thoughts may be obtained from such proposed enactments, all of which have in view the one needful end of equalizing the levies upon real and personal property. If it be deemed advisable, a commission might be formed to take the whole subject into consideration; but, in the meantime, substantial progress can be made by adopting the suggestion submitted with reference to State revenues.

It is deemed needful to again repeat the recommendation made at two former sessions, that the General Assembly designate by law the places for deposit of the public moneys. Very recent experience has added demonstration of the necessity for such a law. It is unwise and dangerous to allow the Treasurer the absolute discretion of selecting the public depositories, and fixing at will the amount of money that each shall carry. Private bankers and banking institutions should be entirely debarred from being made custodians of State balances. Only lawfully incorporated banks should be permitted to be named as depositories, and the amounts placed therein should bear proportionate relation to their capital. This is the only prudent, safe, and business-like way in which to regulate the safe-keeping of the people's money, and is alike called for as a measure of security for the deposits, and a preventive of undue, unjust, and pernicious favoritism by the public officer in making selection of persons and institutions.

That portion of the report of the Auditor General which relates to the State banks is particularly interesting and important. Its details I commend to your careful attention. There are eighty-one banks regularly incorporated by the State, of which more than sixty were chartered by special acts of the Legislature. The annual returns of many of them to the Auditor General show an alarmingly small amount of

available assets as compared with their liabilities to depositors. Nearly one fifth of them pay no dividends to stockholders.

Of the two hundred and sixty-six private bankers and banks, the number reporting an annual income exceeding \$10,000 is forty-one; exceeding \$5,000, and under \$10,000, twenty-seven; exceeding \$4,000, and under \$5,000, eleven; exceeding \$3,000, and under \$4,000, nineteen; exceeding \$2,000, and under \$3,000, thirty-two; exceeding \$1,000, and under \$2,000, thirty-eight; exceeding \$500, and under \$1,000, twenty-five; less than \$500, forty-four, and reporting no net earnings or income, twenty-nine. Some of these private banks have large lines of deposits, for which the depositors have no security but the property of the individual bankers, which, in case of disaster, is generally found to be mortgaged for all that it is worth, or to have changed hands clandestinely. The Auditor General cites one instance in which a private bank, with \$300,000 on deposit, returned an income of \$68 for 1883; for 1884, reported no income at all, and closed its doors with a promise to pay the depositors twenty cents on the dollar. During the last three years, four incorporated banks went into liquidation, and eleven private banks failed, causing a loss to depositors of between \$1,500,000 and \$2,000,000. One of two things is certain—either many of these institutions are insolvent, or the State is being defrauded out of some of its legitimate revenue from this source. This condition of affairs demands the immediate attention of the Legislature, that remedial measures may be at once enacted to effectually stamp out this oppressive and injurious method of banking.

The detailed reports of the several departments and boards of the State Government, made by their proper officers, will be laid before you, and relieve the Executive of the necessity of communicating to you formally upon their respective conditions.

Considerable advance was made at the last session in response to the intent of the Constitution in abolishing the fee system for payment of public officials. Much remains to be done, however, upon that subject, and notably with reference to two important State offices. The Attorney General and the Secretary of the Commonwealth still derive their compensation partly from fees. A law should be passed abolishing such fees, and fixing definite salaries for both these officers.

I again urge upon the General Assembly the passage of a resolution submitting to the people an amendment to the Constitution abolishing the payment of a tax as a qualification for electors. It is to be regretted that no more expeditious method of abolishing the tax is possible than by amending the Constitution, wherein the tax qualification is required. The present laws upon this subject are unworthy of continuance, and are productive of evil instead of good. The tax levied is so ridiculously small as to amount only to a vexatious obstruction to suffrage, and a means of debasing and corrupting the ballot. Year by year the several political organizations pay the personal tax of tens of thousands of delinquent citizens, and by this means acquire an injurious and dangerous power over the electors. The existence of laws operating to give such unwarranted and pernicious influence to partisan bodies is a scandal to our elective system. If it should be deemed unwise to utterly abolish the tax—and even pending the perfection of measures to accomplish that end—it is recommended that a law be passed requiring that a tax to serve as a qualification for voting shall be paid by the elector in person. This would eradicate the worst vice of the existing system, and would be an eminently just enactment. The citizen who is so indifferent to his most valuable political right as not to qualify himself for its lawful exercise, should not be permitted to enjoy the right.

The freedom, purity, and sanctity of the ballot cannot be too sedulously guarded. It is the duty of the Legislature, from time to time, as occasion shall demand, to add to the safeguards thrown about our elective system. Experience has shown that through various crafty devices the secrecy of the ballot-box has been in fact destroyed. By the political parties or factions adopting particular headings or peculiar colors or forms for election tickets, the secrecy contemplated by our laws has been substantially made of no effect. In this way, the freedom and independence of certain classes of electors are destroyed, and they are subjected to surveillance and intimidation in the exercise of their elective franchise from those upon whom they are dependent for employment, patronage, or other benefits. In the peculiar condition of large masses of people in certain of our manufacturing and mining districts, this is an evil of vast and alarming proportions, and is a menace to good government and free institutions. This danger should not be passed unprovided against, especially when an easy and effectual remedy can be applied. A law should be enacted, with appropriate penalties, prescribing the form, size, and color of all ballots to be used at elections, and the size and character of the type to be used in printing. Similar laws are in force in other States of the Union, and there can be no excuse for a failure to adopt like guards upon the integrity of elections in this Commonwealth.

Your attention is earnestly called to the report of the Board of Public Charities and the Committee on Lunacy. There can be no charge of niggardliness in the amount annually appropriated for public charities; but much may be said in just criticism of the method of distribution. While many State institutions are overcrowded with inmates, and the provisions in other sections of the Commonwealth for the



insane and other unfortunates are shockingly inadequate, the Legislature still persists in making large and annually increasing appropriations for private institutions. This is clearly unwise and wasteful. The State's own institutions have clearly the first claim upon the State's bounty. We should not allow them to languish for want of needful funds and proper accommodations in order that private charitable enterprises may be supplied. The report of the president of the Board shows that every dollar available for charitable purposes, during the next two years, is urgently needed by institutions under the control of the Commonwealth. This Board has been established by law for the express purpose of supervising the disbursement of the public bounty, and advising with the Legislature upon its application. We may as well abolish the Board if its counsel, deliberately and solemnly formed, is to be disregarded. From the information submitted by it, and the suggestions based thereon, it appears that the penal institutions are in great need of immediate relief. The Eastern Penitentiary is unlawfully overcrowded, there being about one thousand one hundred convicts in seven hundred and thirty-two cells. It is thus impossible to carry out in eastern Pennsylvania the requirement of the law for the separate confinement of prisoners, and sentences of the courts to that effect are nugatory. The Huntingdon Reformatory should be at once completed and put into operation, to serve its intended purpose of a reformatory, and to partially relieve the overcrowded penitentiary. The Norristown Insane Asylum is crowded beyond its capacity, and to the detriment of the inmates, while hundreds of needy patients are vainly seeking shelter therein. Additional asylum provisions are absolutely needed for this section of the State. Institutions in other localities are in a similar condition of need. It is thus



quite apparent that the Legislature, in making appropriations for charitable purposes, should give first, and, if need be, exclusive consideration to the legitimate demands of the State institutions. It is a wrong to the people to allow private organizations to cripple and obstruct the penal and charitable operations of the Government.

It is recommended that the State assume control of the Department of Port Wardens and the appointment of those officers. At present the State appoints the Master Warden, and the city of Philadelphia and the adjacent counties appoint the Port Wardens. Their duties are fixed by acts of Assembly, and their expenses defrayed mainly by the city. The control of the port of Philadelphia is a matter that concerns the citizens of the entire State. The officers exercising authority in its control perform duties affecting commerce, foreign and domestic, and that in their nature are not and should not be of local and municipal control. It has been decided by a committee of the Philadelphia councils that the act of June 1, 1885, does not authorize the merging of the Board of Port Wardens in any of the municipal departments created by that act. The existence of the Board, therefore, as at present constituted, will present a manifest incongruity at variance with the spirit of the new city charter. The Board has control of licensed pilots even in open sea; no one, not even the city, can erect a structure in the Delaware river, or its navigable tributaries, from Bristol to the State line at Marcus Hook, without the license of the Board; the Board is the only office keeping a record of the arrival and departure of vessels, foreign and coastwise, with their tonnage; and licenses are granted by it for citizens of New Jersey and Delaware as well as of our own State. The inter-State nature of the duties of the wardens is clearly such that their entire control, appointment, maintenance, and duties should

be in charge of the State. At the same time the cognate office of Harbor Master should be consolidated in one department with that of the Warden. To maintain these offices in their present separate and independent conditions, partly under State and partly under municipal control and maintenance, is anomalous, and it is believed that a better, broader, more advantageous, and thorough supervision of the port would result from their consolidation and absolute control by the State.

In this connection, I also call attention to the recommendation of my former message with reference to the need of a revision of the laws governing the Lazaretto Station. By virtue of an old statute a fee of five dollars is charged upon vessels visited by the Lazaretto physician in the outside channel. This operates as an unnecessary imposition upon commerce; and as the law was passed before the use of steam, when the visits were made by the officer in a rowboat, and when he and the quarantine master were paid in fees, whereas both officials are now compensated by fixed salaries, there is no possible justification for the continuance of the tax.

The present accommodations for the State library are inadequate and unsafe. The State possesses a library exceptional in size and excellence, to which additions are being constantly made. Because of the contracted character of the room devoted to the purpose, many thousand of the volumes are inaccessible; and unless further space for keeping and arranging the books be provided, all additions accumulated will be useless and wasteful. Besides this, the library is unsafe because of its liability to destruction by fire, as a trifling accident from this cause recently demonstrated. It is, therefore, recommended that the Legislature consider the expediency of providing a suitable fire-proof building for the use of the library.

The State Board of Health, called into existence by legislation at the last session, though in operation but for so brief a time, has fully justified its creation. The work performed by this Board, as shown by its detailed report, is of great importance, and cannot help but be of vast benefit to the comfort and health of the community. Experience has demonstrated that public sanitation is a subject that should be fostered by the State, and its study and supervision by a competent and properly equipped board is a necessary governmental duty. The act creating the present board was experimental merely, and needs to be amended and perfected in a number of particulars, specified in the official report, to which your attention is invited.

The organization and discipline of the militia of the Commonwealth has continued to improve. During the last four years, the attendance increased from seventy-five per cent. of the enrollment to ninety-two per cent., and the equipment, discipline, and soldierly qualities of the militia received the official approval of the National inspecting officer. As the commander-in-chief, I am glad to be able to report the excellent state of a branch of the public service, the maintenance of which, in a condition of thoroughness, is of the first importance to the security of a well-ordered government. It is a matter for public congratulation that the patriotic spirit of the citizen-soldiery continues unabated.

The suggestion heretofore made for legislation providing for the more speedy hearing and determination of capital cases removed to the Supreme Court is renewed. The prolonged delays that now so often occur between the trial and execution of persons convicted of murder should be made impossible. Not infrequently executions occur so long after the commission of the crime that the public, having forgotten the of-

fense, all significance between the enormity of the deed and the justice of the solemn and terrible punishment is lost. The main use intended by the infliction of the penalty is thus largely unaccomplished. Capital causes should have precedence in argument before the Supreme Court, and defendants should be obliged to perfect and bring their appeals to a hearing within a reasonably limited time, and, upon affirmation, a period should be fixed within which the day of execution should be appointed. If the death penalty is to serve any public good in deterring the wicked and teaching the sacredness of human life, it should be inflicted with reasonable and decent promptitude, and not after a period of long, indefinite, and reluctant delays, that serve only to make it odious, to mock the victim with vain hopes, and to inspire doubt rather than confidence in the certainty and efficiency of the criminal law.

The work of the Board of Pardons is an important auxiliary to the administration of criminal justice. The mercy of the Commonwealth, if wisely, purely, and discriminately dispensed, promotes justice, redresses error, and contributes to good order and respect for and confidence in the laws; but if administered recklessly and partially, either through fear, favor, or unworthy motive, it undermines the efficiency of penal justice and emboldens crime by holding out hopes of immunity from, and doubts of, the certainty of punishment. Regarding the work of the Board of Pardons as an important subject, in which the public are deeply interested, the following statement of the labors of the present Board, which, as now composed, came into existence with the present Executive, and most of whose members retire from office simultaneously with him, is submitted for your information:

From February 20, 1883, to date, the Board has heard and considered the cases of two hundred and

sixty-three persons. The crimes committed by these applicants for Executive clemency were: Larceny, thirty-seven; assault and battery, thirty; burglary, twenty-five; murder in the first degree, twenty-one; robbery, eighteen; manslaughter, sixteen; arson, fourteen; rape, thirteen; murder in the second degree, eleven; forgery, nine; abortion, eight; embezzlement, six; keeping a bawdy house, three; perjury, three; seduction, three; malicious mischief, two; receiving stolen goods, two; adultery, one; fraudulent voting, one; violation of election laws, one; false pretense, one; fortune-telling, one; incest, one; keeping a gambling-house, one; entering with felonious intent, six; assault and battery with intent to kill, five; uttering a false instrument, four; conspiracy, four; bigamy, three; felony, three; horse-stealing, three; libel, one; mayhem, one; riot, one; sodomy, one; taking a female child for the purposes of prostitution, one; vagrancy, one; carrying deadly weapons, one; total, two hundred and sixty-three.

Fifty-one of these persons were recommended for Executive clemency. The offenses of which they were convicted were as follows: Larceny, nine; robbery, five; rape, five; burglary, four; forgery, two; malicious mischief, one; horse-stealing, one; false pretense, one; adultery, one; manslaughter, one; murder in the first degree, five; entering with felonious intent, five; assault and battery, five; arson, two; violation of election laws, one; fraudulent voting, one; vagrancy, one; fortune-telling, one; total, fifty one. Of these fifty-one persons, forty-three were pardoned, eight had their sentences commuted, and of these latter, five had been convicted of murder in the first degree, and were commuted from hanging to imprisonment for life. The other three were commuted to shorter terms.

There is urgent need for legislation with reference to the traffic in intoxicating liquors. The almost en-

tire absence of restriction upon the sale of alcoholic beverages, especially in the larger cities, is an evil, the magnitude of which cannot be overestimated. It is not needful that arguments should be adduced to prove that the liquor traffic is dangerous and harmful to the community; that it is degrading to public morals, hurtful to the health of the people, and detrimental to the peace and good order of society. The facts upon this point are well known, and the experience with regard to them so universal, and so sad, as to place their existence beyond doubt. The demand for a reform in the laws governing the sale of liquor is so widespread and emphatic that the Legislature would cease to be a body representative of the will of the people if it should fail to respond to the call made upon it for a remedy. This call, it is also to be observed, proceeds from those who love order, who respect law, who desire to see vice restrained, and virtue promoted—from the heads of families, the educators of youth, and the teachers of morals—from the officers of the law, from the ministers of justice, and from the public press. Indeed, it is the demand of organized society for protection from its most dangerous, widespread, and remorseless enemy. Ever since the Commonwealth has existed, our laws have regarded the sale of intoxicants as a subject calling for rigid regulation and restraint. Time has demonstrated that the need for such supervision and limitation has increased with population, and with the changing social and physical conditions of the people. That there should exist in the single city of Philadelphia upwards of seven thousand licensed drinking places, and that as many more would, under the law, have to be licensed as there might be persons desiring to embark in such business, is a startling and unanswerable argument against the laws by which such a state of facts is made possible.



The Legislature ought, at once, to revise the entire license system of the State. The cost of license ought to be increased to such a figure as would eradicate the enormous number of small tippling-houses. Some regulation should be enacted limiting the number of licenses that may be granted for taverns within a given area, and for a given number of inhabitants. A petition signed by a reasonable number of the freeholders or residents in the neighborhood, square, or election district in which the tavern is to be located, praying for the issuing of the license, should be required to authorize the granting of the same, and the license should be limited to the place for which it is first granted or named in the petition, and made void upon removal. The person to whom a license is granted should be required to be of proved good moral character, and there should likewise be rigid regulations as to the hours during which taverns may be kept open, as to sales to minors and drunken persons, and such other provisions as will tend to lessen the evils of indiscriminate tippling, enforced by adequate penalties and forfeiture of license for a violation of the law. Some of these restrictions are now embodied in statutes applying to all the counties in the State except Philadelphia and Allegheny, and they, with the others suggested, should be enacted into a law of general operation. They may not prove a sufficient remedy for the evil which it is sought to eradicate, and it may be that more far-reaching and radical measures may be necessary. It is earnestly hoped, however, that at least some enactments of a restrictive character will be adopted at this session in the direction indicated, and that your adjournment will not leave the license laws in their present ineffective condition, and the great vice of the traffic in intoxicating drinks unabated. Even though measures looking to constitutional restriction should be determined upon, never-



theless legislation should, in the meantime, be enacted to restrain the evils referred to, as five years at least must elapse before a constitutional amendment could be perfected so as to go into operation. It would be a delusive reform that would allow the liquor traffic to continue as at present unrestricted while an amendment was passing through its chances of final adoption. The specific suggestions now presented are offered solely with the purpose of directing attention to the subject, and are not, in any wise, regarded as the only or the best remedy that can be adopted. The Legislature, upon careful consideration, will, no doubt, be able to devise a more full and effective corrective.

Your attention is again called to the facility with which divorces may, under existing laws, be obtained in this Commonwealth. The records of the courts show an alarming increase in the number of divorces annually decreed, and our State is fast gaining a discreditable reputation as a facile forum for such judicial dissolution of the marriage relation. It is not to be doubted that our courts are often resorted to by persons from other jurisdictions who acquire a temporary residence here for the sole purpose of being relieved of the marital bonds. Organizations of clergymen of nearly all religious denominations have protested against the evils resulting from our lax divorce laws, and have formulated their protests into petitions and remonstrances to the Legislature, calling for a reform in the laws. The press of the State likewise has very generally given utterance to similar sentiments. These appeals should not be allowed to pass unheeded, both because of the high character and excellent motives of the persons from whom they come, and the gravity and importance of the matter to which they relate. The preservation of the sanctity of the marriage relation, and the conservation of the home, with all its ennobling influences, is a subject than

which none more solemn and important can engage legislative attention. That State fosters an insidious and blighting evil in which divorces are permitted to be lightly and easily procured.

It is suggested that the present laws would be greatly improved by the adoption of the following provision: 1. That divorce proceedings in all stages shall be conducted in open court. 2. Requiring a residence in the State of two years preceding the commencement of an action for divorce by the party applying therefor. 3. Prohibition of marriage by the guilty party in a decree of divorce during the lifetime of the other party. 4. Limiting the jurisdiction of the courts to causes occurring while the parties were bona fide domiciled here. 5. Providing that malicious desertion, as a ground of divorce, shall have existed three years prior to the commencement of the action. 6. That cruel and barbarous treatment shall, as a ground of divorce consist of actual violence to the person, endangering the life or affecting the health of the party. 7. By making those matters of practice which are now regulated by rules of court a subject of legislative enactment, and by providing additional safeguards against collusion.

It is again recommended that a law be enacted regulating the appointments in the civil service of the State. It is not to be doubted that one of the greatest evils affecting our political life is the practice of making appointments to public employment the spoils of party success. This practice, in every phase of it, works to the public injury. It deprives the State of the best service attainable; depreciates the motives and aspirations of those appointed; keeps out of public life men of patriotic spirit, cultivated talents, and high conscientiousness; gives undue and repellant influence in political affairs to mercenary and dishonest party managers, and debases the purity of elec-

tions by destroying the independence of voters, and, in fact, establishing a corps of active partisans maintained at the public expense, and controlled by party leaders. The law should require all officers below a given grade to be appointed because of tested fitness and competency, and they should only be removable for reasons affecting these qualifications. The step taken by the National Government in the direction of what is termed "civil service reform," and the enactments of a similar nature in Massachusetts, New York, and other States, should be followed, improved upon, and extended in this Commonwealth. The advance made in public sentiment and practice in this direction during the last few years it is hoped and believed will not be lost; but that increasing evidence of its wisdom, and the benefits resulting therefrom, will make what has heretofore been but an experiment a fixed fact, and that the great evil of treating the public service as a spoil of party triumph will be ultimately eliminated from our political life.

During the past year, the attention of the Executive was called to certain allegations, made by a responsible newspaper, of neglect, inhumanity, and corruption in the care and maintenance of the soldiers' orphans supported in the various orphan schools at the expense of the State. The charges were made with such particularity as to time, place, and circumstances, and involved so serious an imputation upon the integrity and fidelity of the public officers entrusted with the management of this noble charity, that I deemed it proper to examine into the truthfulness of the allegations. As the Superintendent of Public Instruction, by virtue of his official power and duties, had the means of knowing and correcting the abuses complained of, I first inquired of him as to the facts alleged. His reply took the form of a letter, to which he gave publicity, asserting that an examination by

him of but one of the schools disclosed the falsity of all the charges made, and assailing the motives and truthfulness of the source from which the charges emanated. Distrusting the thoroughness of the investigation upon which the Superintendent based his denial, and believing from the temper and tone of his communication that he was not disposed to enter upon a complete and dispassionate examination calculated to discover all the facts and elicit the entire truth, irrespective of whom they should inculcate, I determined myself upon a personal and systematic investigation of the management of all the soldiers' orphan schools throughout the Commonwealth.

Accompanied by the Attorney General and the person who avowed himself the author of the charges, together with a stenographer, I began an investigation of all the schools to which the accusations attached. The plan pursued was to visit the schools without previous notice, to examine under oath the officers and employes in charge, as well as the orphans themselves, to invite any persons having knowledge to testify, and to inspect the buildings and grounds, the beds, clothing, food, and all matters pertaining to the maintenance of the children, as well as to inquire into the methods of instruction and discipline. The investigation consumed almost an entire month; there were examined hundreds of witnesses; nearly a thousand pages of testimony were taken; many articles of clothing were impounded as specimens, and notes of the result of the inspection of places and persons were made. In addition to this, I requested the State Board of Health to make an investigation of the sanitary condition of the schools. The secretary, in compliance with this request, personally inspected these institutions, and submitted a detailed report thereon. The vouchers and accounts of the schools were also audited and compared, and the methods of purchase

and supplies thoroughly looked into. As a result of this exhaustive examination, I was entirely convinced of the truth of the charges made. It is impossible, with the evidence procured, to doubt that for many years the generous bounty of the State has been systematically and deliberately wasted and perverted; the orphans in many cases defrauded of the commonest comforts of life; cruelty and inhumanity of the most repulsive character practiced, and the schools conducted by a combination of mercenary contractors in the most corrupt, unlawful, and heartless manner. To do this the laws governing the institutions have been disregarded and persistently violated; the public officers charged with their superintendence and government have been negligent, incompetent, and studiously derelict; and, while the investigation was being made, either abstained from assistance or embarrassed the discovery of the facts. I, therefore, deemed the first step needed to reform the abuses unearthed, to be the discharge of the officials through whose gross incompetence and dereliction they were made possible, and the substitution of more faithful and competent incumbents. I dismissed from office the male and female inspectors. The Superintendent of Public Instruction, being the head of the Department, and primarily responsible for its conduct, would also have been at once removed from office, but for the constitutional provision denying the Executive that power. His resignation, however, was requested, in a letter advising him that his retirement was necessary for the reformation of the management of the schools. He refused to resign, and still continues to occupy the office by virtue of his technical title by appointment of the present Executive, at a time when the Superintendent's incompetency was unknown. All the evidence in my possession, the several communications made and received on the subject, and all information

as to the facts within my control, will be transmitted to the General Assembly. General Louis Wagner, of Philadelphia, was requested to act as male inspector in place of the officer removed. He was selected for his well-known interest in educational matters, his active zeal in all things pertaining to the good of the soldiers of the rebellion, and their widows and orphans, and for his undoubted integrity and ability. Though at great expense to his private business affairs, he consented to act provisionally and without pay, and is at present in office. His report of official investigation of the schools made by him justifies the action and conclusion of the Executive, and will likewise be transmitted to you.

The disclosures made by the investigation have compelled a marked improvement in the condition of the children as to their food, clothing, education, and general accommodations, as well as in the sanitary arrangements of the buildings. Much remains to be done, however, so that the contractors shall be constrained to give something like an adequate consideration for the bountiful appropriations of the State.

I earnestly request the Legislature to examine and consider the papers submitted, and take such action as may be needful to prevent a recurrence of the shameful abuses disclosed. It is with sincere regret that I feel obliged to spread upon an official paper the record of so sad an exhibition of cruelty to the helpless, and of heartless avarice bargaining in orphan misery.

I invite your favorable consideration to the report and recommendation of the commissioners appointed under the resolution of January 23, 1883, to examine, collate, and report to the Legislature what acts of Assembly, if any, have, through inadvertance, or other cause, not been printed and published. Their examination has been careful and exhaustive, and its re-



sults are given in detail. They "recommend the republication of the statutes at large from 1700 to 1790, and that they be allowed to add the opinions of the Royal Attorneys General, and the orders of the Privy Council in the repeal of various acts passed by the Colonial Assembly, and such illustrative mater as may seem to them to appropriately belong to such publication." They declare their ability to prepare a complete text of the statutes for that period, but say that the labor of the undertaking will be very great, and indicate its nature. The commissioners express their wish to give their own services without compensation, but do not feel warranted in going on with the work without clerical assistance. They think that "the work can be done by one or at most two clerks, under the immediate supervision of the Commissioners, within four years." I earnestly join in this recommendation.

I call the attention of the Legislature to the condition of the publication of the Pennsylvania Archives, second series. Twelve volumes of this series had already been published, under the authority of the Secretary of the Commonwealth, when the present administration came into office, but by reason of sales and distribution, the edition of volumes two, three, four, five, and six was entirely exhausted more than four years ago. Of the remaining volumes, namely, one, seven, eight, nine, ten, eleven, and twelve, there are only between two hundred and three hundred copies of each now left.

Acts of Assembly were passed in each of the years 1883 and 1885, providing for the publication of "five hundred copies of each volume, two, three, four, five, six, and seven, with the appendix of the Pennsylvania Archives, second series," and "two additional volumes, numbers thirteen and fourteen."

But, though the Secretary of the Commonwealth,



after the passage of each act, gave proper orders for the execution, neither of them has ever been carried into effect—perhaps on account of the fact that in each the cost of “publishing, and binding and indexing, all complete,” was limited not to “exceed ninety cents per volume of eight hundred pages each,” and that this limitation might operate to change the terms of the standing contract on the part of the Commonwealth for State printing.

I recommend the passage of an act to provide a suitable number of copies, for sale, of all the volumes of the Pennsylvania Archives, second series, which have hitherto been printed, or for which the manuscript has hitherto been prepared.

A systematic revision of the laws governing the making of the Geological Survey of the State, and the publication of the reports thereof, is again recommended. There has already been expended upon this undertaking over a million dollars, and there is no visible limit to the cost that may yet be incurred. The commission having the subject in charge is practically without restriction as to time, and may continue indefinitely the expensive work they are engaged upon. The books heretofore published have cost the State from three to five dollars each, and their publication may continue without end. It is well worth stopping to consider whether, with insufficient prisons, inadequate insane asylums, and the victims of poverty, misfortune, and disease in all parts of the State craving sustenance and shelter, a better use cannot be made of the public revenues.

I suggest that a fixed time be named for the termination of the work of the Survey, and a limit placed upon the expense that may be incurred in publication, and to this end that the commission be abolished, and the work intrusted to the salaried geologist and a fixed number of assistants.

As connected with this subject, it is recommended that the present laws relating to State printing be repealed, and that the subject be guarded by enactments definitely fixing the amount to be expended for each Department. At present, the cost of printing, instead of being limited by fixed appropriations, is authorized by appropriations of "so much money as may be necessary." This method of expending the public money is not only of questionable legality, but also tends to wastefulness and extravagance. The facts in our past experience are convincing as to the evil tendency of such legislation. The printing of public documents has expanded to enormous and utterly needless proportions, and immediate measures should be adopted to curtail the outlay. Indeed, it is a clearly wise, and a more business-like and orderly method, to require all expenses authorized to be incurred to be defrayed from fixed appropriations. No Department or officer should be allowed to draw at will upon the public treasury. As a matter of fact, it is the Legislature that expends the money, and the officers and Departments are but their agents in the transaction. It is therefore recommended that not only as to public printing, but as to all other subjects of expenditure, definite sums be named in all appropriation bills, beyond the limit of which no expense shall be incurred. In printing public documents each Department should have appropriated to it a given sum for the purpose, and the same should be paid only upon warrants drawn by the Department, and vouched and audited by the Auditor General in the usual manner.

It will be your duty to apportion the State in congressional, senatorial, and representative districts according to the command of the organic law. At the last four sessions, the General Assembly neglected this important and clearly commanded duty. Two of the regular sessions adjourned without the passage of

any of the laws commanded. An extra session, convened for the purpose of having the Constitutional mandate obeyed, was equally fruitless. The Assembly, after a prolonged and expensive sitting, adjourned with their obligations disregarded. The last regular session, after passing bills, which, for reasons then fully expressed, I declined to approve, likewise, closed its deliberations with the needed legislation unenacted, and the political rights of the people to lawful representation unenforced. Upon the present Legislature, therefore, will devolve the duty of performing the work their predecessors so lawlessly neglected. It would ordinarily be unnecessary for the Executive to direct the attention of the law-making power to duties so emphatically and clearly commanded; but the lapse of six years and four sessions of legislative default justify an earnest appeal to the present General Assembly to supply the needed laws by a prompt compliance with the popular will as expressed in the Constitutional mandate. Though possibly at first unseen and unfelt, there is always an injury to the cause of good government, and the salutary influence upon all classes of the faithful execution and enforcement of law, when those placed in positions of conspicuous public trust, and to whose keeping the dearest rights of the people are confided, do themselves treat the most solemn injunctions of the law as a nullity, and spurn its obligations with ill-disguised contempt. The present Assembly will have in its power to restore, to some extent, public confidence in the law-makers themselves, public respect for the sanctions of statutes, and public faith and hope in the abiding security of Constitutional government.

I also deem it not inappropriate that your attention should be called, in the performance of your duties with respect to apportionment, to the rules laid down by the law for your guidance upon that subject. The

Constitution directs that the Legislature, in forming districts, shall compose them of "compact and contiguous territory, as nearly equal in population as may be." These rules are the cardinal points in apportionment. If they be followed in good faith, they will result in just, fair, and acceptable laws. It is only when they are violated that difficulty and injustice are occasioned.

The Attorney General has instituted two important judicial proceedings to enforce the provisions of the Constitution governing railroad corporations. One of these proceedings was begun for the purpose of preventing the Pennsylvania railroad from discontinuing the construction of the projected competing line between Harrisburg and Pittsburgh, known as the South Pennsylvania railroad, by the purchase and control of the property and franchises of the latter road and its substantial consolidation with the former, and the control and purchase of the Beech Creek railroad, an important coal-carrying line. The citizens in the portions of the State benefited by the competition existing or projected, in public meeting and by private communication, protested to the Executive against the wrong and injury to business and trade that would result from the intended suppression of railroad facilities, and petitioned the intervention of the State to prevent this plain violation of the Constitution and its consequent evils. The Attorney General, though beset with many difficulties in obtaining testimony, succeeded in fully and clearly establishing the facts of the intended, and partially effected, scheme by which the competing lines were to be consolidated with, and controlled by, their rival, the Pennsylvania railroad; and, upon the facts thus proven, the court of Dauphin county, where the suit was begun, continued the preliminary injunctions against all the parties to the arrangement, forbidding its consummation. The Su-

preme Court, to which the proceedings were removed by appeal, affirmed the decision of the lower court. The injunctions are, therefore, now in force, and will so continue until the determination of the litigation, and the parties to the unlawful bargain by which the Constitution was to be overridden and defied, are, for the time being—and, it cannot be doubted, will finally be—frustrated in their injurious and illegal purpose. As a result of this proceeding, the belief is very general that the construction of the road will soon be resumed, and eventually be operated as an independent line of transportation.

The other proceeding begun by the Attorney General is aimed at the combination entered into by the several great trunk lines and their auxiliaries, and certain coal-mining companies to control, fix, and raise the rates of transportation of persons and commodities, and the price and amount of coal to be mined and sold. This combination, variously known as the "Trunk Line Pool" and the "Coal Pool," is a manifest violation of law, as well of the principles of common law as of the plain provisions of the State Constitution. Its purpose is to raise the price and the amount of a necessary of life, and arbitrarily and at the will of the representatives of a few capitalists, and for their profit, to raise the cost of living of the people of a whole State, to interfere with their business and comfort, and to oblige an entire Commonwealth to pay tribute to the cupidity and speculating purposes of a few men. It is time that the people should have a clear declaration from the courts of the legality or illegality of such high-handed proceedings by the creatures of the law; it is time that all citizens should know whether the Constitution, while strong enough to govern a private person, is a nullity as to corporations. If combination by individuals to raise the price of a necessary of life, or restrict its production, is un-

lawful, and an offense indictable and punishable at common law as a crime, it is time to know from the courts whether the same acts, though more injurious and wide-spread in their effects when done by corporations, render their perpetrators amenable to no law, and cannot be either prevented or punished. It is to have this question determined that the Attorney General has begun the proceedings referred to. The task he has entered upon is a difficult one, and will call for the utmost skill, the most persistent zeal, and unwearying energy from whomever shall be the law officer of the State. The facts are not easy of ascertainment, because the parties to the combination, as would be expected, do their unlawful business in secret. It will, therefore, be an onerous undertaking to conduct this litigation, and the Attorney General should be assisted by liberal appropriations to defray the necessary cost of preparing and conducting a suit of such magnitude. Its ultimate result cannot, I think, be doubtful, for it is not to be conceived that an undeviating line of decisions will be overruled, and principles of law, as old as the beginnings of English jurisprudence, will be ignored and overturned to give validity and judicial sanction to the confederated power of corporations to impose burdens at pleasure upon the people. The need of rigid enforcement of the Constitutional provisions regulating corporations is emphasized by the litigations begun by the Attorney General.

There could not be a more open, inexcusable, and clear defiance of the fundamental law than the purchase and control of the South Pennsylvania and Beech Creek railroads, and the "pooling" arrangement to control traffic and fix charges. Yet the former was unhesitatingly attempted, with the public avowal by the parties that the Constitution did not apply to them, and was powerless to prevent the accomplish-



ment of their purposes; and the "pools" have been formed, and will be in the same manner defended by the parties claiming exemption from the law. Indeed, the railroad corporations of this State have never pretended to obey the Constitution: they have studiously ignored its authority, obstructed its operation, sneered at all attempts to enforce it, and have systematically claimed, and acted upon the claim, that they were superior to and unaffected by its mandates. This persistent attitude towards the supreme law of the State is not to be wondered at when we find the Legislatures of the past occupying almost the same attitude. It is hardly to be hoped that a railroad corporation will pay respect to the law, if the members of the General Assembly, sworn to obey, support, and defend the Constitution, array themselves in hostility to its provisions.

For twelve years, the seventeenth article, governing railroads, has been a dead letter, so far as legislative enforcement of its is concerned. The General Assembly has not attempted to give it force, and has repeatedly defeated all proposed legislation intended to carry it into effect. Discrimination in charges and facilities for transportation is as wide-spread and injurious as it ever was; railroads still continue to carry on other business than that of common carrying, and free passes are as openly issued as ever, and received and used by officers of the law as well as by private persons. Yet, against all these acts there is the plainest and most imperative prohibition in the seventeenth article, as well as an equally mandatory direction to the Legislature to enact statutes to give the Constitutional regulations effect. That they have not been given effect is known of all men. At the session of 1883, confessedly impotent bills were passed and became laws, but no judicial proceedings have been determined under them, and the violations of the law they were intended to reach still continue.

The fact is that at no time has a hearty support been given by the General Assembly to this part of the fundamental law. The published debates disclose that the hostility of many members of the Legislature to its enforcement has been publicly avowed on the floor of both bodies, and the wisdom of the law denied and inveighed against. It is earnestly submitted that the duty of the members of the General Assembly to obey the Constitution is unconditional; they have no legal or moral right to refuse to enforce it because of any doubts they may have of its wisdom or expediency; the action of the people in adopting the instrument as their organic law made it the supreme power in the State, and of binding force upon all persons, but especially upon the officers chosen by the people to execute their will, and who have sworn to obey, support, and defend it.

This conception of duty leaves no room for delay or hesitation in the passage of the legislation commanded by the Constitution. It is an indefensible default that for so long a time the seventeenth article has been unenforced. Longer delay will only add to the enormity of the disobedience, and will provoke greater discontent among the people. Prompt, full, and cordial compliances with the law is called for alike by official fidelity and the explicit and solemn promise of disobedience contained in the official oath of all public officers. I have so repeatedly and earnestly called the attention of the Legislature to this grave matter in two former messages, that it would be of no avail to repeat at length what was then recommended. You are referred to these two communications for the views of the Executive in detail. It is again urged, however, that no legislation will be effective on this subject that does not declare a violation of the provisions of the seventeenth article referred to a crime, and affix adequate fine and imprisonment as a penalty

for its commission. To offer the citizen a civil remedy for such offenses is a mockery, as it invites him to expensive, vexatious, and prolonged litigation against rich and powerful corporations that even, if successful, does not stop the wrong, but gives only a money return for a particular injury. The Commonwealth should make the litigation her own, and in her own name should proceed to punish the officials who deliberately set at nought and over-ride the Constitutional injunctions. Fear of imprisonment will do more to prevent the evil than the most comprehensive civil remedy, and prevention is the end which all should have in view.

This is the last communication which it will be my privilege to transmit to the General Assembly. Impressed with an earnest desire to leave no effort untried and no information uncommunicated that will aid in advancing the public weal, and perfecting our fabric of government, I have set out my views at considerable length. Four years of executive service have convinced me how much is yet to be accomplished for the reformation of abuses which have grown up constantly and imperceptibly in nearly all of the departments of the civil administration. The duty of eradicating these abuses is a task of great magnitude, but will assuredly yield to fidelity, industry, and zeal. In the effort to accomplish this end, there should be entire unity of purpose, and mutual assistance by all officers of the Government. I do not feel that I would properly acquit myself of my entire duty in this respect, if I did not fully lay before the Assembly the results of my official study and observation. That they may be of aid to the Legislature in promoting good government and advancing the prosperity of the Commonwealth, is my earnest hope and only desire.

ROBT. E. PATTISON.

To the Senate Nominating Trustees of the State Hospital for the Insane at Warren.

Executive Department,  
Harrisburg, January 4, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be trustees of the State hospital for the insane at Warren, Pennsylvania, for the term of three years from the dates set opposite their names, viz:

John O. Sherred, Cambridge, Crawford county, June 10, 1886.

J. T. Smiley, Titusville, Crawford county, June 10, 1886.

R. B. Stone, Bradford, McKean county, June 10, 1886.

ROBT. E. PATTISON.

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To the Senate Nominating Members of the State Board of Health and Vital Statistics.

Executive Department,  
Harrisburg, January 4, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be members of the State Board of Health and Vital Statistics, under the provisions of section one of the act of June 3, A. D. 1885, creating the said board, to wit:

Rudolph Hering, C. E., Erie, for the term of two years, to compute from July 1, 1885.

David Engelman, M. D., Easton, from July 6, 1885, until July 1, 1889.

ROBT. E. PATTISON.

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To the Senate Nominating G. M. Shoop a Trustee of the Hospital for the Insane at Danville.

Executive Department,  
Harrisburg, January 4, 1887.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, G. M. Shoop, of Danville, Montour county, to be trustee of the hospital for the insane at Danville, Pennsylvania, from October 15, 1886, until June 9, 1887, vice A. F. Russel, deceased.

ROBT. E. PATTISON.

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To the Senate Nominating Commissioners of the Board of Public Charities.

Executive Department,  
Harrisburg, January 4, 1887.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be commissioners of the Board of Public Charities, for the term of five years from the dates set opposite their names, viz:

J. K. Lee, Philadelphia, January 20, 1886.

Charles J. Harrah, Philadelphia, May 18, 1886.

Peter C. Shidle, Pittsburg, Allegheny county, June 10, 1886.

J. Monroe Shellenberger, Doylestown, Bucks county, June 10, 1886.

W. J. Sawyer, Pittsburgh, Allegheny county, June 10, 1886.

ROBT. E. PATTISON.

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To the Senate Nominating Thomas Bradley a Trustee of the State Hospital for the Insane of the South-Eastern District.

Executive Department,  
Harrisburg, January 4, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Thomas Bradley, of Philadelphia, to be trustee of the State Hospital for the Insane of the South-Eastern District of Pennsylvania, for the term of three years, from May 20, 1886, vice Clement R. Wainwright, resigned.

ROBT. E. PATTISON.

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To the Senate Nominating Edward Stuck State Librarian.

Executive Department,  
Harrisburg, January 4, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Edward Stuck, of the county of York, to be State librarian for the term of three years, from the first Monday of February, 1886.

ROBT. E. PATTISON.



To the Senate Nominating J. Harvey White Manager  
of the Pennsylvania Reform School.

Executive Department,  
Harrisburg, January 4, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, J. Harvey White, of Allegheny county, to be manager of the Pennsylvania Reform School, from September 2, 1886, until the first Monday of May, 1889, vice John J. Gillespie, deceased.

ROBT. E. PATTISON.

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To the Senate Nominating John P. Edge a Member  
of the State Board of Agriculture.

Executive Department,  
Harrisburg, January 4, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John P. Edge, of Downingtown, Chester county, to be a member of the State Board of Agriculture, from the fourth Wednesday of January, 1886, for the term of three years.

ROBT. E. PATTISON.

To the Senate Nominating Jacob Turney a Member  
of the Board of Commissioners to Conduct a Geo-  
logical Survey.

Executive Department,  
Harrisburg, January 4, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE  
honor hereby to nominate for the advice and  
consent of the Senate, Jacob Turney, of Greens-  
burg, Westmoreland county, to be a member of the  
board of commissioners to conduct geological survey  
of the State, vice James Macfarlane, deceased.

ROBT. E. PATTISON.







James A. Beaver

JAMES ADDAMS  
BEAVER,  
Governor of the Common-  
wealth.  
1887-1891.





## Chapter II.

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NONE OF THE MEN BROUGHT TO THE FRONT by the trying times of the War of the Rebellion have been more deserving of their success than James A. Beaver. A descendant of an early Palatine settler, he was born in Millerstown in 1837. He received an excellent education, in the public schools and Pine Grove Academy, and was graduated at Jefferson College, Cannonsburg, Pa., in the class of 1856, when not yet nineteen years of age.

He at once took up his residence in Bellefonte and entered upon the study of law, being admitted to the bar of Centre county in 1859. He manifested much interest in military matters and served as Private (1858), Sergeant (1858), Second Lieutenant (1860), and First Lieutenant (1861), of the Bellefonte Fencibles, of which Andrew G. Curtin, afterwards also Governor of the State, was Captain. His military instincts soon found vent on a broader field, and in 1861, upon the outbreak of the Rebellion, he was commissioned First Lieutenant in the 2d Pennsylvania Volunteers. Three

months later he was promoted Lieutenant Colonel of the 45th; two months still later he vacated this commission to enable him to accept the Colonelcy of the 148th Pennsylvania Volunteers. He was wounded severely at Chancellorsville, slightly at Spottsylvania and Cold Harbor, dangerously in the first assault on Petersburg, and lost his right leg at Ream's Station, Va., on the 25th of August, 1864. He was brevetted Brigadier General for distinguished gallantry, particularly while in command of a brigade at Cold Harbor and on the 22d of December, 1864, was mustered out of the service on account of disability due to wounds received in battle. His interest in military affairs continued, however, notwithstanding his great disability, and he continued to be active in the work of the National Guard, serving as Major General of the 5th Division from 1875 to 1878, and upon the reorganization, serving as Brigadier General of the 5th Brigade from 1878 to 1883.

In 1865 he was elected Chief Burgess of Bellefonte. From 1873 to 1881, he was a member of the Commission for the Construction of the State Hospital for the Insane at Warren, and in 1880 he was chairman of the Pennsylvania delegation at the Republican National Convention. In 1881, he received the Republican caucus nomination for United States Senator, but was unsuccessful. In 1882, he was the Republican nominee for Governor, but was defeated. The faith of the

people in his strength was shown by his nomination for the Chief Magistracy again in 1886, at which time he justified their opinion by coming in with a large majority. His service as Governor was characterized by the same courage, zeal and ability which had led to his advancement through all the grades of military command to the highest, with the purest of motives and the strongest of convictions, there was never any doubt as to his position in any question of public policy. He was active in the national Republican campaign of 1888 and officiated as Chief Marshal at the inauguration of President Harrison in 1889.

He was appointed Judge of the Supreme Court of Pennsylvania in 1895 to fill a vacancy and was in the following year elected to the same office for the full term of ten years. In 1898 he was appointed by the President a member of the Commission to Investigate the Conduct of the War Department in the War with Spain, and contributed largely to the work of that body. His term as Governor extended from January 18, 1887, to January 20, 1891.

## Inaugural Address to the Assembly.

Citizens of Pennsylvania:—

**Y**OUR SUFFRAGES HAVE CALLED ME TO your service. The call is of right. The suffrage is the ordinary method of expressing it. The service is your due. The solemn obligation which binds me to you, as the Executive of the Commonwealth, has been taken, and it now only remains, as the customary conclusion of this ceremony, to address you in a few words expressive of my appreciation of the confidence which you have so generously reposed in me, of my views in regard to the relation which has thus been constituted between us, and of my understanding of your wishes as to the manner in which the service, which results from it, is to be rendered. A word as to the service itself.

It is a service of obligation. In a government of the people, the convenience of one must necessarily yield to the call of the many. This principle is fundamental. It applies no less to the duties which the citizen owes his country in civil, than in military, service. The failure of many citizens to recognize its binding force, does not in any degree lessen the obligation, and it is safe to say that popular government can never reach its highest aim, and most perfect development, until all who share its advantages are ready to respond to the call for, and to render such service as may be fairly demanded of them.

It is a service of responsibility. The duty of the individual citizen is of itself sufficiently responsible; but when, in addition to this, any number of citizens join in delegating to one of their number additional duties, requiring more exacting service, the responsibility is of course greatly increased. This is true, whether the authority delegated, or the duty required, be by few or by many. But when five millions of

people combine, by a majority of their number, in calling upon a single individual to serve them as their executive officer, the responsibility assumes great and grave proportions. It is in this case keenly felt, and not lightly assumed.

It is also a service of accountability. The public servant who loses sight of the account which he must render to the constituency which has entrusted him with the power and authority of representing it, is not likely to realize either the obligations or the responsibility of the place to which he is called. For every act of administration in his responsible office, the Executive is accountable to you. This accountability must be kept in view each day and hour, with special reference to your general judgment upon the administration as a whole, when the obligations now assumed are laid down, and the power and authority, with which you now invest him, are returned to your hands for transmission to another. We must also, not forget that the relation, which is to-day finally consummated, is held under, and subordinated to, a higher Power to Whom all of us are alike fully and finally accountable.

The relation which we assume toward each other to-day, is one of such age, importance and dignity, that time and custom, as well as the Constitution and laws, have in a large measure defined and prescribed its duties. You have, yourselves, surrounded it with certain limitations in the Constitution of the Commonwealth which must be taken by the Executive as the letter of his instructions received at your hands.

The Executive is your creature, controlled by your will; but by that will formally expressed through the Constitution and the laws. So far as these are applicable to the discharge of any duties which confront him, they are binding and unbending. He must take them as they are, and must be governed by them in all things which concern his duty. The Constitution is to

him a letter of limitation. The doubts in regard to its meaning, if any exist, must be by him resolved in its favor. Others may seek to be governed by its spirit; he must be governed by its letter. Individual preferences and liberal construction must, alike, yield to literal and exact interpretation.

The Constitution fixes the place of the Executive, and he is bound to keep it. He must carefully see to it that the independence of the legislative and judicial branches of the government is not in any way invaded by him.

The responsibility of the Legislature in making the laws and of the judiciary in expounding them must be, as it ought to be, carefully recognized. No slight motive, no personal feeling and no individual judgment should, therefore, move the Executive in the exercise of the veto power. The Constitution has, it is true, vested that power in him; but it must be exercised in such a way as to recognize the independence and the responsibility of the Legislature. The Legislature is elected once in two years. Its members are responsible directly to their immediate constituencies. It is to be taken for granted therefore, that its members represent the will of the people; and that will is not to be lightly set aside. It is to be hoped that, with this view publicly expressed, the Legislature will maintain its independence and assume the responsibility which belongs to it as the law-making power; and that careful and well-considered legislation will prevent the exercise of the constitutional prerogative vested in the Executive, except in urgent, extreme or extraordinary cases.

As to the general policy of administration to be pursued, you will expect something to be said. Your views are sought to be reflected in the following general principles:

You expect efficiency in the public service. No man



should be appointed to a place unless specially qualified for the duties of that place. Qualification is the first consideration, and to this all other considerations should yield.

You expect economy in the appropriation and expenditure of public moneys; and yet you believe that economy of administration does not consist necessarily in a minimum of expenditure. A revenue conveniently collected which bears equally upon all, and hardly upon none, should be so expended that the Commonwealth shall receive one hundred cents' worth of value for every dollar of expenditure. Our educational system and our charitable and penal institutions are to be generously sustained. Our industrial development is to be aided by the judicious expenditure of money. This is wise economy which expends it with a view to the future as well as the present. The State never dies; the State should never grow old; and, therefore, our foundations should be broadly and strongly laid, and our building upon them, so far as we progress, should be solid and enduring.

You expect ordinary honesty and ordinary prudence to be exercised in the conduct of your business. That which is dishonest in the confidential agent of an individual, or imprudent in the careful business man, is dishonest and imprudent in a public official. In a word, the same rules as to integrity and prudence which apply in the ordinary business intercourse of man with man, apply to the relation which public officials bear to you.

You expect that the laws will be impartially administered. The weakest are to be carefully guarded in the enjoyments of the rights, because they are weak; and the strongest are to be preserved from prejudice because they are strong. Persons, natural and artificial, are to be held alike amenable to law, and neither class is to be favored or prejudiced at the expense of

the other. A corporation should receive just so much consideration as would be accorded to its humblest stockholder; and the poorest citizen of the Commonwealth should receive the same protection as the most powerful corporation.

You will expect the administration to be one of the people, and not of a party. Each citizen of the Commonwealth has a right to demand, at the hands of the administration, the same consideration as is accorded to every other. Emphasis is therefore, laid upon the fact, that although elected by a party, the Executive is the servant of the people, and every citizen of the Commonwealth, no matter what his views as to questions of public policy have been and are, has equal right to his time, attention and service.

Questions of popular interest and public importance have been passed upon by the people, through their suffrages at the election, which resulted in the choice of the present executive officers of the Commonwealth. There is no disposition to evade the responsibility which has thus been entailed. The majority of the people of the Commonwealth demand the right to pass upon the question of the prohibition of the manufacture and sale of intoxicating drinks, within its limits, by constitutional enactment. This is neither a questions of morals, solely, nor of partisan politics; nor is it believed that the people divide upon it by the ordinary lines of political thought and action. It is, therefore, due to them that the question should be submitted fairly, fully, frankly and in such a way, and at such a time, as will enable them to vote their individual sentiments upon it. In the ordinary course of events, such submission cannot take place until three months from and after the passage of a joint resolution covering the subject, by the Legislature which shall assemble in January, 1889. It is believed that the pledge and promise on this subject, which undoubt-

edly secured the votes of many citizens, will be most fairly met, and most fully carried out by the submission of such an amendment to the Constitution, at a special election, when no other question will engross public thought, and when each citizen may vote his sentiments upon that particular subject without reference to, or interference from, any other.

The general interests of labor have a large place in public thought, and are receiving much of public attention. The term "labor," thus used, is restricted to the employed classes which labor with their hands. It may be that all of the demands of labor, so called, are not wise. It may be that some of its demands should not be conceded. It must be true, however, that, with discontent so widespread and demand so general, there are wrongs to be righted and remedies to be applied, which shall, or ought to, lighten the load, and ease the burdens which labor has to carry. The labor market is overstocked. The supply is greater than the demand. The inevitable consequence is want of opportunity to work, for men who are able and willing to work; inadequate compensation to those who do work; and undue competition among those who are seeking for employment. In the present condition of the industrial development of our country, the remedy for this state of affairs is to be found largely in the diversification of our industries. This, under our form of government, is a question with which the general government, through its legislative and executive branches, must almost exclusively deal. This is not the time, nor is this the place, for a general discussion of this question so far as it relates to the policy to be pursued by the general government. But there are some questions coming exclusively within State control which demand attention, and to which scarcely more than an allusion can at present be made. Although the diversification of our industries depends

largely upon national legislation relating to the duties upon imported articles manufactured abroad, and the establishment and maintenance of a commercial marine, something may, doubtless, be done by us in this direction which will not only open up new avenues of employment, but which will elevate the whole tone and standard of labor. We have passed the point at which our industries are confined to their rudimentary forms. We not only minister to the absolute wants of our people by our industries, but we also contribute to their enjoyment and to the cultivation of their taste thereby. It becomes us, therefore, to provide liberally for the education of our industrial classes in all the branches of industrial art, and of art as applied to industry which tends to multiply the avenues of employment and to increase the rewards of labor.

Labor is entitled to education, to the right to organize for mutual improvement and protection, to an equal voice in fixing the wage rate, and the settlement of other questions in which it has a vital interest, to impartial arbitration when irreconcilable differences between it and its employer arise, and to such legislation as will enable it to secure, if economical and frugal, a homestead which shall be preserved to it inviolable. Opportunity for a more extended discussion of these rights of labor may offer in the future, in a communication to the Legislature, touching the importance and necessity of legislation in regard to some of them, and remark upon them is therefore limited to their mere enumeration.

The question of the reform and enlargement of our educational system is one which should be brought to the attention of the people of the entire Commonwealth, with a view of securing extended discussion and intelligent criticism. It is here introduced, because of its importance, at greater length than would

be, otherwise, desirable or proper. The time was when a system of popular education under the direction of the Commonwealth, was opposed and bitterly assailed, and its introduction impeded by the masses of our people. The time is now when the demand of the people is in favor of an enlarged educational system, improved educational methods and more thoroughly competent instruction. Within a short time, on the streets of our principal city, a procession of intelligent laboring population, numbering thirty thousand or more, borne upon hundreds of transparencies a demand among other things for "education;" and this in a city which leads all other localities in the Commonwealth in the efficiency of its school system, in the liberality with which that system is maintained and in the variety which is introduced into it. The main fault of our present system is that it leads directly and inevitably to that which is abstract and away from that which is practical. It deals in words and signs, and not with facts and things. The graduate of our average high school, as all experience proves, is educated away from what are called industrial pursuits, and into a fitness for those employments which involve only mental training. In short, the head is developed at the expense of the hand, and we are compelled to rely upon the skilled labor of other countries to fill the most lucrative and important positions which our industrial establishments offer. The value of mere intellectual training is not under estimated nor is its importance overlooked. But years of successful experiment in America have demonstrated, beyond question, that mind and hand can be developed together as quickly, as fully, and with much better results than can the mind alone. There is no reason why industrial manual training cannot be engrafted upon our present school system with little expense, with little if any change in the machinery of

school management, with no change in our general system of laws relating thereto, and with infinite advantage to our industrial development and to our common weal. Small beginnings have already been made in this direction in some of our larger cities. Such training should become universal wherever a sufficient number of our children and youth are gathered in our schools to insure a proper grading for the purposes of instruction. Pennsylvania, with a school system second to that of no other State in the Union, should not be behind in the introduction of this system of training the hand as well as the mind, which is demanded by many experienced educators, and which is already being introduced by some of our sister States with satisfactory results. The system here referred to, strange as it may seem, was first introduced in Russia, and its principles brought to the notice of the great mass of our educators in America at the Centennial exhibition of 1876. It deals with the general training of the eye and hand, and does not undertake to fit them for any specific trade or vocation. It imparts a knowledge of the principles of drawing and construction, but does not undertake to put those principles into active operation for immediate practical purposes. The application of these principles to a specific object is better reached through the medium of trade schools, which although important and useful in themselves, could scarcely be generally maintained in connection with our common school system; and which, if founded, should be established with reference to the wants of particular localities, by local enterprise, or private charity. This whole question is one of broad significance, and of the utmost importance to our present welfare and future development. It would be well if it could be accorded intelligent and extended discussion in the public press of the State.

The training of the citizen, for the ordinary duties



of citizenship, would seem to be a matter of such supreme moment, in a popular government, that it is difficult to account for the fact that instruction, upon the subject, has never yet found a place in the course of study in our common schools. The science of civics, as it is now called, is receiving earnest and intelligent attention and discussion at the hands of our educators and intelligent, public-spirited citizens generally. This science, which deals with the duties of the citizen to the State, and with the principles of government which underlie those duties, should be taught, at least in its elementary principles, in all our schools. The Constitution of the United States, the Constitution of our Commonwealth, and the laws which bear upon the rights and duties of citizens as constituent parts of the body politic, can as readily be taught, with as much of success and practical results as arithmetic or any abstract science or the more practical study of geography. There is no reason for teaching the physical outlines and features of our country, and leaving the principles upon which our government is founded, and in the exercise of which it must be perpetuated, untaught. It would seem that the State, in founding a system of education, would provide, first, for the teaching of those principles upon which the State is based, and which must govern the individual citizen in the discharge of his duties as such. The causes which have led to the development of such an abnormal system of education, are easily found and understood by those who will give intelligent thought to the subject. We do not deal with the causes. Here are the facts. What shall be done with them? These are practical questions which appeal to all our people and challenge the careful thought and best efforts of our wisest legislators.

Closely allied to the education of our young, are the care and training of the destitute children of the State. Wisely forbidden a place in our almshouses,



no adequate provision has been made for their ordinary care and for fitting them for usefulness in life. We cannot afford to found in this country an aristocracy of pauperism. The State must, in self-defense, take the young, who are deprived of natural guardians, and those of unnatural parents who fail to provide for their offspring, and train them for independent support and usefulness. This is not a question which appeals to philanthropy alone. Prudent forethought and wise economy will expend money and effort in directing the youthful mind, and the pliant energies of childhood, into proper channels; and the result will be self-respecting, intelligent and self-supporting manhood and womanhood. It may be that some legislation on this subject is needed. Just how the question is to be met, is not here discussed. The fact is stated, in order that the thought of the people may be turned toward the subject, and its discussion lead to practical results. In such a discussion, however, would it not be well to lead the public mind away from great institutions, with their cumbersome management and labor-saving machinery, to such a simple and inexpensive organization as will approach the home, and will exact from the inmates the discharge of the ordinary every day duties which are performed by the children, in the average homes of our people; or, better to hearty co-operation in such organizations as seek out the destitute and provide real homes in families where they will be reared and educated for future usefulness?

What of our children and youth who, through the neglect or avarice of unnatural parents, or their own waywardness, fail to take advantage of the facilities for educational training which are offered them in every school district of the Commonwealth? The State cannot afford to allow her children to grow up in ignorance or idleness, or both. Self-preservation

again asserts and insists that every child, born and reared within the limits of the Commonwealth, must be trained for usefulness, and for bearing its full share of the burdens, and discharging its full share of the duties of citizenship. How shall this be done? Is compulsory education feasible? If so, under what conditions and limitations? The question is merely stated. The people must deal with it and instruct their representatives in regard to it. What of the neglected class, already beyond the limits of childhood, which has fallen into the commission of misdemeanor and crime? Reformation, not punishment for the mere sake of punishment, is the true interest of the State. Our House of Refuge and Reform School provide, in a measure, for the very young. What shall we do with that large class, a little older, who are to be saved for the State and the future, and for usefulness and happiness? A reformatory, a place for training, a place for educating them out of themselves and into something better and nobler, is being prepared. How shall it be organized? Let public thought and public discussion turn to this question, and, in the light of what has been accomplished elsewhere, let Pennsylvania take her stand in the front rank of reform on this subject.

No subject more directly or deeply interests the people generally than the revenue, or rather the system of taxation by which and under which our revenue is raised. That grave inequalities exist cannot be denied. That revenue commissions and ordinary legislation have hitherto failed to remedy these inequalities is likewise true. Our latest revenue law, and the decisions of the courts thereunder, seem only to magnify these inequalities, and to increase the burdens of that class of the community which has, heretofore, with some justice, complained of the load which it was required to carry. Whatever the intention of the law, imposing a State tax upon mortgages, may have

been, the practical effect of it, as at present administered, is to relieve corporations holding these mortgages from taxation entirely, and to impose whatever of revenue is raised from that source, to a great extent at least, upon the mortgagors, thus entailing additional burdens upon our agricultural interests and the holders of modest homesteads. The burden of local taxation for county, school, poor and road purposes falls almost entirely upon real estate. The farmer with his farm, and the mechanic with his home, already bearing, as they believe, more than their full share of the burdens of taxation, are, if compelled to borrow money upon mortgage, required to pay, in addition to the ordinary rate of interest, the State tax levied thereon. The result is that the more unfortunate our small land-holder may be, the more heavy are the burdens of taxation which oppress him.

We have endeavored to encourage manufactures by exempting the stock of manufacturing corporations from taxation. In order to prevent money seeking investment in other States, we have endeavored to lighten the burden of taxation upon it. Let us beware lest, by unduly taxing the great middle class, which is the pride and boast of Pennsylvania, we drive from us a people who are more to us than manufactures or money. May it not be true that, by an unequal system of taxation, and by failing to provide, by law, adequate exemption of the homestead, we are driving from us a large class of valuable citizens who seek a home where exemption from taxation, and liberal homestead laws, protect them and provide for increased comfort? In cases where the money lender pays the taxes required to be paid under our latest revenue law, it is not true, in practice, that the corporation lending money upon mortgage is entirely exempted from its payment, and the poor widow and orphan, whose entire income may be derived from the

interest in a modest investment, is made to pay the full amount of the tax as provided by the law. If so, this ought not so to be. Our whole revenue system is built up of disjointed and fragmentary provisions of law. Under the impulse of a supposed inequality in one direction, we have rushed to an extreme in the other and so created greater ills than those from which we fled. Where is the golden mean? If called upon to communicate with the Legislature, hereafter, during its present session, something more practical and pointed on this subject may be said.

Our charitable institutions appeal to the sympathy of the public. It is to our credit that they are so well sustained. A new institution, providing for a class which appeals especially to our sympathy and demands our help, has been established at Erie for the care and support, under immediate State supervision, of the soldiers and sailors rendered destitute by reason of their service in the defense of the country, who do not come within the technical provisions of the laws regulating our national homes established for this class of unfortunates. It seems to be conceded that our almshouses are not proper places for them. The beginning which has been made at Erie demonstrates the entire feasibility of the plan; and the attention of the public is called to the institution in the hope of awakening interest and inquiry in regard to its management, and of calling forth a wider sympathy in behalf of the unfortunate class gathered, and yet to be gathered, within its hospitable walls.

In communicating directly with you in this general way, many subjects of immediate interest to the Commonwealth at large crowd themselves upon us; but the occasion and the surroundings forbid the mere mention of them, and have rendered extended discussion of any subject entirely out of the question.

There are questions, also, of moment which concern

usas citizens of our great country which press upon the thought, and demand fearless discussion. The same proprieties, which limit discussion in other directions, forbid it in this.

And now, my fellow citizens, as in the beginning of this address, so now let me say I am yours for service. The best powers of body and mind, with which God has endowed me, are yours, to be freely expended in your service, for your welfare. In rendering this service, your cordial co operation and the faithful, intelligent criticism of the public press are earnestly desired; and the guidance and help and blessing of Him who has been, and always will be, first in service to mankind, are devoutly invoked.

The retiring Executive is entitled to the thanks of the people of the Commonwealth for the earnestness of purpose which has governed him in the discharge of the high duties to which he was called by you, and which are now assumed in accordance with your will, by another. In his presence, and on your behalf these thanks are hereby cordially tendered, as well as my personal acknowledgment of the courtesy and kindness which have characterized his efforts to inform me as to the new and responsible duties which now devolve upon me, and to make the transfer of responsibility from his shoulders to mine both easy and pleasant.

JAMES A. BEAVER.

To the Senate Nominating George Pearson Private  
Secretary to the Governor.

Executive Department,  
Harrisburg, January 18, 1887.

Gentlemen:—

I HAVE THE HONOR HEREBY TO INFORM YOU  
that I have appointed George Pearson, of the  
county of Mercer, to be Private Secretary to the  
Governor.

JAMES A. BEAVER.

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To the Senate Nominating Charles W. Stone Secre-  
tary of the Commonwealth.

Executive Department,  
Harrisburg, January 18, 1887.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE  
honor hereby to nominate for the advice and con-  
sent of the Senate, Charles W. Stone, of the coun-  
ty of Warren, to be Secretary of the Commonwealth.

JAMES A. BEAVER.

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To the Senate Nominating William S. Kirkpatrick  
Attorney General.

Executive Department,  
Harrisburg, January 18, 1887.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE  
honor hereby to nominate for the advice and con-  
sent of the Senate, William S. Kirkpatrick, of the  
county of Northampton, to be Attorney General of the  
Commonwealth.

JAMES A. BEAVER.

To the Senate Nominating Daniel H. Hastings Adjutant General.

Executive Department,  
Harrisburg, January 18, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Daniel H. Hastings, of the county of Centre, to be Adjutant General of the Commonwealth.

JAMES A. BEAVER.

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To the Senate Nominating John A. Wiley\* Brigadier General of the National Guard.

Executive Department,  
Harrisburg, January 25, 1887.

\* Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John A. Wiley, of the county of Venango, to be brigadier general of the National Guard of Pennsylvania, vice James A. Beaver.

JAMES A. BEAVER.

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To the Senate Nominating Louis A. Watres General Inspector of Rifle Practice.

Executive Department,  
Harrisburg, January 25, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Louis A. Watres, of Lackawanna county, to be general inspector of rifle practice.

JAMES A. BEAVER.



To the Senate Nominating Thomas J. Smith Commissary General of the Commonwealth.

Executive Department,  
Harrisburg, January 25, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Thomas J. Smith, of Philadelphia, to be commissary general of the Commonwealth of Pennsylvania.

JAMES A. BEAVER.

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To the Senate Nominating Louis H. Read Surgeon General of the Commonwealth.

Executive Department,  
Harrisburg, January 25, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Louis W. Read, of the county of Montgomery, to be surgeon general of the Commonwealth of Pennsylvania.

JAMES A. BEAVER.

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To the Senate Nominating John I. Rodgers Judge Advocate General of the Commonwealth.

Executive Department,  
Harrisburg, January 25, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John I. Rogers, of Philadelphia, to be judge advocate general of the Commonwealth of Pennsylvania.

JAMES A. BEAVER.

To the Senate Nominating William G. Powell a  
Member of the State Board of Agriculture.

Executive Department,  
Harrisburg, January 25, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, William G. Powell, of the county of Crawford, to be a member of the State Board of Agriculture, for the term of three years.

JAMES A. BEAVER.

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To the Senate Nominating Andrew D. Hepburn Inspector General of the Commonwealth.

Executive Department,  
Harrisburg, January 25, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Andrew D. Hepburn, of Philadelphia, to be inspector general of the Commonwealth of Pennsylvania.

JAMES A. BEAVER.

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To the Senate Nominating Samuel W. Hill Quartermaster General of the Commonwealth.

Executive Department,  
Harrisburg, January 25, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Samuel W. Hill, of Allegheny county, to be quartermaster general of the Commonwealth of Pennsylvania.

JAMES A. BEAVER.

To the Senate Nominating Commissioners of the  
Board of Public Charities.

Executive Department,  
Harrisburg, February 17, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be commissioners of the Board of Public Charities.

J. K. Lee, Philadelphia.

George W. Starr, Erie county.

Henry M. Boies, Lackawanna county.

JAMES A. BEAVER.

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To the Senate Approving a Joint Resolution Proposing an Amendment to the Constitution, with Comments Thereon.

Executive Department,  
Harrisburg, February 18, 1887.

Gentlemen:—

**I** HAVE APPROVED AND SIGNED THE FOLLOWING joint resolution, viz: On the 10th day of February, 1887, joint resolution, proposing an amendment to the Constitution of this Commonwealth.

Article eighteen of the Constitution specifically prescribes the mode in which an amendment to the Constitution shall be submitted for the suffrages of the people. It is not necessary, in my judgment, for the executive to sign a joint resolution submitting such an amendment. But, inasmuch as differences of opinion exist as to the necessity for his signature, I have deemed it best to sign the joint resolution above referred to in order to avoid misunderstanding, delay, and possible trouble hereafter. My signature can do

no harm. I wish, however, to guard against making this a precedent for the future, inasmuch as it has not been deemed necessary by my predecessors to affix the signatures of the executive to such a resolution.

JAMES A. BEAVER.

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To the Senate Nominating Henry B. Tyler Commissioner to Superintend the Construction of a State Industrial Reformatory at Huntingdon.

Executive Department,  
Harrisburg, March 1, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Henry B. Tyler, of Philadelphia, to be commissioner to superintend the construction of a State Industrial Reformatory located at Huntingdon, vice Charles Thomson Jones, deceased.

JAMES A. BEAVER.

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To the Senate Nominating William H. Egle State Librarian.

Executive Department,  
Harrisburg, March 2, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, William H. Egle, of Harrisburg, to be the State Librarian until the first Monday of February, 1890.

JAMES A. BEAVER.

To the Senate Nominating Managers of the Pennsylvania Reform School.

Executive Department,  
Harrisburg, March 17, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, the following named persons to be managers of the Pennsylvania Reform School:

W. R. Craighead, Washington county, vice James McClelland, whose name was not sent to the Senate for confirmation.

Wilson McCandless, Allegheny county, vice John C. O'Donnell, whose name was not sent to the Senate for confirmation.

Joseph Albree, Allegheny county, vice J. Harvey White, who was rejected by the Senate.

JAMES A. BEAVER.

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To the Senate Nominating Barton D. Evans a Trustee of the Hospital for the Insane for the South-eastern District.

Executive Department,  
Harrisburg, March 22, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, Barton D. Evans, of Chester, county, to be trustee of the State Hospital for the Insane of the South-eastern District of Pennsylvania, vice James Boyd, resigned.

JAMES A. BEAVER.

## Arbor Day Proclamation. 1887.



IN THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania.

## A PROCLAMATION.

In pursuance of a goodly precedent, and in compliance with a request of the general assembly of the Commonwealth of Pennsylvania contained in a concurrent resolution, approved the 30th day of March A. D. 1887, I have appointed and designated, and do hereby appoint and designate, Friday the 22nd day of April A. D. 1887, as Arbor Day:

And I do earnestly recommend to the people of the Commonwealth that they devote the whole or at least a portion of the said day to the planting of trees and shrubbery wherever it may be proper and convenient so to do.

Let school directors, teachers and scholars unite in making it a day for the adornment of the grounds surrounding the school houses throughout the Commonwealth. Let the people of our towns and villages make it a day for the planting of trees along their streets. Let the people in our rural regions see to it that their highways are beautified by the planting of trees upon their borders. Let families observe the day in the planting of trees and shrubbery in the grounds surrounding their homes. Let the farmers see to it that the waste places on their farms are turned to profitable account by the planting of timber, nut and fruit trees thereon. Let all the people understand that upon the general observance of this day, and the practical results which arise therefrom, in large measure depend the continuance of regular seasons of rainfall, the tempering of our climate, the beauty of our homes and highways, the timber supply of the future, and re-

munerative return for labor bestowed upon lands not otherwise productive.

The observance of arbor day is becoming general in many of our States; its necessity is recognized by those who have given the greatest care and study to the subject; and its practical usefulness is attended by all who have engaged in it.

In case the day herein designated should be unsuitable in any portion of the Commonwealth, let an adjournment be had to some future day which will suit the climate and convenience of the locality.



Given under my hand and the Great Seal of the Commonwealth at Harrisburg, this first day of April in the year of our Lord one thousand eight hundred and eighty-seven, and of the Commonwealth the one hundred and

eleventh.

JAMES A. BEAVER.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

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To the Senate Nominating J. Granville Leach Commissary General of the National Guard.

Executive Department,  
Harrisburg, April 12, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, J. Granville Leach, of Philadelphia, to be commissary general of the National Guard of Pennsylvania.

JAMES A. BEAVER.



To the Assembly Vetoing An Act to Repeal Part of  
“An act to Provide for the Better Government of  
Cities of the First Class in this Commonwealth,”  
and to Provide for the Election, Qualifications, and  
Powers of District Surveyors and Regulators in  
Cities of the First Class.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, April 16, 1887.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY SIGNATURE, House bill No. 3, entitled “An act to repeal section one, article four, of an act entitled ‘An act to provide for the better government of cities of the first class in this Commonwealth,’ approved the first day of June, Anno Domini one thousand eight hundred and eighty-five, and to provide for the election, qualifications, and powers of the district surveyors and regulators in cities of the first class.”

The object of this bill is threefold—

First. To repeal so much of the act of June the first, Anno Domini one thousand eight hundred and eighty-five, known as the Bullitt bill, as provides for the appointment of district surveyors after the terms of the present incumbents shall have expired, respectively.

Second. To provide for the election of said surveyors, attach them to the department of public works, and require them to perform their duties under the direction of said department, subject to such ordinances as are now in force or as council may make upon the subject; providing also for the number of districts in cities of the first class, the qualifications of the persons to be elected, and the compensation to be received by them for their services.

Third. Providing for the organization of a board of

surveyors and regulators, and prescribing their appellate jurisdiction.

It is alleged that the board of surveyors and regulators, which has heretofore existed for many years in Philadelphia, endowed with large powers and charged with the performance of important duties, is practically abolished by the act of June first, eighteen hundred and eighty-five, and that great embarrassments are likely to follow unless provision is made for the reorganization of said board. It is also alleged that the powers of district surveyors and regulators, so far as the fixing of party lines and the regulation of party walls are concerned, is taken away by the said act, and that it is necessary, in order to restore that power, to enact the bill under consideration into a law.

It seems to be conceded that the provisions of the bill, so far as these objects are aimed at, are entirely proper; but it is alleged, on the other hand, that they are wholly unnecessary, inasmuch as the district surveyors and regulators have all the powers granted them by this bill already, and that the board of surveyors is not abolished by the act aforementioned, known as the Bullitt bill. If this be true, there is no necessity for the enactment of a law such as is proposed by the bill. There seems to be no doubt but that the district surveyors and regulators have the same powers under the law as it now exists as they had prior to the passage of the act of June first, eighteen hundred and eighty-five. There may possibly be some doubt as to the existence of the board of surveyors under the present bill, and it is conceded that the right of appeal from the decision of a district surveyor to this board has been taken away by the act of June first, eighteen hundred and eighty-five; the right of appeal to the courts, however, from such decision remaining as heretofore.

The main point of difference between the friends and opponents of the bill is found in the fact that the election of the district surveyors and regulators by the people is greatly desired on the one side and opposed on the other.

It is pleasant to know that the present surveyors and regulators are conceded, on all hands, to be men well qualified for the duties of the place to which they have been called by the people, and it seems to me a matter of little moment, to them personally whether the bill shall become a law or not, inasmuch as they are likely to be continued in office in either event. If the powers and duties of the district surveyors and of the board of surveys are the same, whether this bill becomes a law or not, there can be no necessity for its enactment, and it would merely encumber the statute-book, this seems to me to be the main question in the case; and inasmuch as the law officer of the city of Philadelphia, who would be the person likely to raise that question, has already put himself on record in an official opinion, as holding to the view that the board of surveys is not abolished, and that the powers and duties of the said board and of the district surveyors remain the same as before the passage of the act of June first, eighteen hundred and eighty-five, it seems to me that no other parties are likely to raise the question or to occasion any disturbance upon the subject. The people of Philadelphia are undoubtedly very anxious to be allowed to put their new city charter into active operation, and test its provisions thoroughly before changes are made. Whether this charter will accomplish all that they hope for under it is a question which can only be tested by time and practical experience; but the opportunity should be given to make that test fully and fairly, without let or hindrance.

Inasmuch, therefore, as the district surveyors and

the regulators would be, by the provisions of this bill, attached to the department of public works, and perform their duties under the directions of said department, subject to such ordinances as are now in force, or as councils may make upon the subject, precisely as they are now placed under the provisions of the act of June 1, 1885; inasmuch as the powers and duties of said district surveyors are, without this bill, just what they would be were it to become a law; inasmuch as the right of appeal from the decision of a district surveyor and regulator to the courts is preserved; inasmuch, also, as the chief executive, representing the people of Philadelphia as a municipality, apprehends serious evils growing out of the election of subordinate officials, under the direction of an officer who is himself appointed; and, inasmuch as no harm can come to the individuals named in the present status or future prospects, or even as to the pay and emoluments which they would receive in case the bill became a law, I am reluctantly constrained to withhold my signature from the same.

JAMES A. BEAVER.

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To the Senate Nominating F. Amedee Bregy an Associate Judge of Court of Common Pleas No. 1 of Philadelphia.

Executive Department,  
Harrisburg, April 20, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, F. Amedee Bregy, to be associate judge learned in the law, of the Court of Common Pleas No. 1, of Philadelphia, vice William S. Pierce, deceased.

JAMES A. BEAVER.

To the Senate Nominating Aaron S. Swartz an Additional Law Judge of the Thirty-eighth Judicial District.

Executive Department,  
Harrisburg, April 20, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, Aaron S. Swartz, to be additional law judge of the Thirty-eighth judicial district, composed of the county of Montgomery.

JAMES A. BEAVER.

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To the Assembly Vetoing "An Act to Amend 'An Act to Authorize Railroad and Canal Companies to Aid in the Development of the Coal, Iron, Lumber, and Other Material Interests of this Commonwealth.' "

Executive Department,  
Harrisburg, April 30, 1887.

Gentlemen:—

**I** RETURN HEREWITH, WITHOUT MY SIGNATURE, Senate bill No. 174, entitled "An act to amend an act entitled 'An act to authorize railroad and canal companies to aid in the development of the coal, iron, lumber, and other material interests of this Commonwealth,' approved April 15, A. D. 1869." This bill is open to two serious objections:

First. It is contrary to the eighth section of article three of the Constitution. It is special in its character, inasmuch as it relates solely to the county of Schuylkill, and the provisions of that section relating to publication have not been complied with.

Second. It is contrary to the provisions of the fifth

section of the seventeenth article of the Constitution. The provisions of the original bill, passed in 1869, were undoubtedly proper viewed from a constitutional standpoint at the time; but under the new Constitution every incorporated company doing business as a common carrier is forbidden, directly or indirectly, to prosecute or engage in mining or manufacturing articles for transportation over its works, or to engage directly or indirectly in any other business than that of common carrier.

This act in effect permits railroad and canal companies in Schuylkill county to aid in the development of coal, iron, lumber, and other material interests of the Commonwealth by the purchase of the stock and bonds, or either, of manufacturing companies; thus, indirectly, at least engaging in manufacturing business. Either of these objections is, in my judgment, fatal to the bill. But in addition thereto its provisions are antagonistic to the provisions of the act of April 29, 1874, relating to the incorporation and regulation of certain corporations, known as the General Corporation Act, which forbid corporations to invest their funds in the stock or bonds of other companies.

For these reasons I am compelled to withhold my approval from the bill.

JAMES A. BEAVER.

To the Senate Nominating Joseph C. Ferguson Associate Judge of the Separate Orphans' Court of the County of Philadelphia.

Executive Department,  
Harrisburg, May 6, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, Joseph C. Ferguson, of Philadelphia, to be associate judge of the separate orphans' court of the county of Philadelphia until the first Monday of January, 1888.

JAMES A. BEAVER.

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To the Senate Vetoing "An Act to Provide for the Support and Maintenance of Associations Formed for the Control of Fires and the Protection and Saving of Human Life and Property, in Case of Fire, in Cities of the First and Second Class."

Executive Department,  
Harrisburg, May 6, 1887.

Gentlemen:—

**I** RETURN HEREWITH TO THE HOUSE IN which it originated, Senate bill No. 267, without my signature. The bill is entitled "An act to provide for the support and maintenance of associations formed for the control of fires and the protection and saving of human life and property, in case of fire, in cities of the first and second class." It is open to two grave constitutional objections. It seeks to pass a special law creating corporations, or, in other words, limits the territory to which the law is to be applied, which is contrary to the seventh section of the third



article of the Constitution. It delegates, moreover, to the corporations thereby created the power and authority to tax all corporations, associations, underwriters, agents, or persons engaged in the business of fire insurance within the city in which the corporation is organized. The right to levy taxes is a badge of sovereignty which the State, as a matter of policy, should never delegate to one of its creatures, and the Legislature is specially forbidden to do so by the twentieth section of the third article of the Constitution.

These reasons are of such a grave and convincing character that others which have been urged by individuals, as touching private and vested rights, need not be considered.

JAMES A. BEAVER.

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To the Senate Vetoing "An Act Granting an Annuity and a Gratuity to Elmira P. Mullin, Mother of S. J. F. Mullin, Deceased, Late a Private in Company E, First Regiment, National Guard of Pennsylvania."

Executive Department,  
Harrisburg, May 6, 1887.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY SIGNATURE, to the House in which it originated, Senate bill No. 61, entitled "An act granting an annuity and a gratuity to Elmira P. Mullin, mother of S. J. F. Mullin, deceased, late a private in Company E, First regiment National Guard of Pennsylvania."

Bills similar to the present one have twice been vetoed by my immediate predecessor in office, as contrary to the eighteenth section of the third article of Constitution. The reasons given by him, and also by

his predecessor, are, in my judgment, sound constitutional law. They would be precedents which I would be willing to disregard, even if my judgment differed from theirs, but I am entirely in accord with their views of the Constitution, and am therefore reluctantly compelled to withhold my approval from the bill.

JAMES A. BEAVER:

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To the Senate Vetoing "An Act to Extend the Provisions of 'An Act Relating to the Appointment and Salaries of the Criers and Tipstaves of the Various Courts of Allegheny County,' to the County of Lackawanna."

Executive Department,  
Harrisburg, May 6, 1887.

Gentlemen:—

I RETURN HEREWITH TO THE HOUSE IN which it originated, Senate bill No. 35, without my approval. The bill is special, and comes within the classes of prohibited legislation mentioned in section seven of article three of the Constitution. It endeavors to extend the provisions of a law passed in 1873, relating to the appointment and salaries of the criers and tipstaves of the various courts of Allegheny county, to the county of Lackawanna. There can be no question that the original law, although constitutional at the time, would have been clearly unconstitutional under the provisions of our present organic law. It follows, therefore, that any extension of the law to a particular county, is open to the same objection.

JAMES A. BEAVER.

To the Assembly Vetoing "An Act to Amend 'An act Granting an Annuity and a Gratuity to James Osterhout, of Susquehanna County, Pennsylvania, Late Member of Company F, One Hundred and Forty-first Regiment, Pennsylvania Volunteers.'"

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 6, 1887.

Gentlemen:—

I RETURN HEREWITH, TO THE HOUSE IN which it originated, without my approval, House bill No. 89, entitled "An act to amend an act, entitled 'An act granting an annuity and a gratuity to James Osterhout, of Susquehanna county, Pennsylvania, late member of company F, one hundred and forty-first regiment, Pennsylvania volunteers.'" The text of this bill fails to give the date of the original bill, but upon investigation I find that in 1879 the Legislature passed the original act sought to be amended by this bill, which became a law without the signature of the then Executive of the Commonwealth. If the annuity and gratuity herein provided for were granted for military services, then it is clear that the claim should be upon the United States and not upon the Commonwealth of Pennsylvania. It is claimed, however, that the injury which has resulted in the disability of the act did not occur in the military service, and that therefore he is unable to secure a pension from the government of the United States. If this be true, the Legislature has no power to grant a pension or gratuity, inasmuch as the eighteenth section of the third article of the Constitution expressly forbids it.

My feelings are warmly enlisted for the beneficiary of this bill, and I would be glad if some plan, consistent with duty, could be found by which it could be allowed to become a law. The general application of

the constitutional provision referred to, however, forbids it, and we must be governed by the Constitution rather than by our feelings. If a precedent were established for such legislation, we would soon find the value and importance of the constitutional provision upon the subject.

JAMES A. BEAVER.

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To the Assembly Vetoing "An Act To Provide for the Support and Maintenance of Associations Formed for the Control of Fires and the Protection and Saving of Human Life in Case of Fire in Cities of the First and Second Class.

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, May 6, 1887.

Gentlemen:—

I RETURN HEREWITH, TO THE HOUSE IN which it originated, Senate bill No. 267, without my signature. The bill is entitled "An act to provide for the support and maintenance of associations formed for the control of fires, and the protection and saving of human life and property in case of fire in cities of the first and second class." It is open to two grave constitutional objections. It seeks to pass a special law creating corporations, or in other words, limits the territory to which the law is to be applied, which is contrary to the seventh section of the third article of the Constitution. It delegates, moreover, to the corporations thereby created the power and authority to tax all corporations, associations, underwriters, agents, or persons engaged in the business of fire insurance within the city in which the cor-

poration is organized. The right to levy taxes is a badge or sovereignty, which the State, as a matter of policy, should never delegate to one of its creatures, and the Legislature is specially forbidden to do so by the twentieth section of the third article of the Constitution.

These reasons are of such a grave and convincing character, that others which have been urged by individuals, as touching private and vested rights, need not be considered.

JAMES A. BEAVER.

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To the Assembly Vetoing "An Act Making an Appropriation to Restore and Confine the Delaware River to its Original Channel."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, May 6, 1887.

Gentlemen:—

I RETURN HEREWITH, TO THE HOUSE IN which it originated, without my approval, House bill No. 636, entitled "An act making an appropriation to restore and confine the Delaware river to its original channel."

The preamble recited in this bill is as follows:

"Whereas, By recent disastrous floods the channel of the Delaware river, which is the boundary line between Pennsylvania and New York, has been materially changed, thereby changing the long established line between the two States, and by the forming of its new channel has caused a great loss of property to the citizens of Pennsylvania:" Therefore,

Be it enacted, &c., As a matter of fact the change of the channel of the river does not change the boundary line between the States of Pennsylvania and New York. The boundary line as it existed at the time of the adoption of the river for that purpose remains the

boundary line still. It would be more convenient, of course, in some respects, to have the river mark the boundary between the two States; but the appropriation is open to grave constitutional objection, inasmuch as it appropriates money to a particular community, which is expressly forbidden by the eighteenth section of the third article of the Constitution. The loss of property to the citizens of Pennsylvania is specifically set forth in the preamble. The restoration of the river to its original channel would, of course, restore the land covered by the new channel to its owners. In so far as this is the effect of the bill, it is difficult to separate the case from that of any unfortunate community which suffers by fire or flood.

Inasmuch therefore, as the boundary line between the States is not changed by the new channel of the river, and the real object of the bill is one of charity to those who have been injured by the cutting of the new channel, I cannot see how the constitutional provision upon the subject can be avoided, and I am therefore reluctantly compelled to withhold my signature.

JAMES A. BEAVER.

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To the Senate Nominating Trustees of the State Hospital for the Insane at Warren.

Executive Department,  
Harrisburg, May 12, 1887.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, the following named gentlemen to be trustees of the Hospital for the Insane at Warren, viz:

L. D. Wetmore, Warren, Warren county.

W. H. Osterhout, Ridgway, Elk county.

S. R. Mason, Mercer, Mercer county.

C. C. Shirk, Erie, Erie county, to fill the unexpired term of G. W. Starr, resigned.

JAMES A. BEAVER.

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To the Assembly Vetoing "An Act to Authorize an Additional Law Judge of the Several Courts of the Eighth Judicial District."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, May 16, 1887.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 68, entitled "An act to authorize an additional law judge of the several courts of the Eighth judicial district."

Bills similar to this have been vetoed by two of my predecessors, on the ground that no necessity existed for an additional law judge in the Eighth district, and that no such public demand was made for it as justified the increase thereby necessitated in public expenditures.

I have given careful consideration to the condition of the business in this district. It is certainly somewhat behind, and the right of the people to have their causes promptly tried is, to a greater or less extent, denied them. If no other remedy existed than that which is provided in this bill, I would give it my approval without hesitation. The district probably has eight hundred causes at issue ready to be tried, and which should be tried immediately in order to meet the demands of justice and fairness to suitors. The



act of March 24, 1887, provides a complete remedy for this state of affairs, viz:

"The president judge of any of the courts, civil or criminal, of any judicial district of this Commonwealth, is authorized——

Under the provisions of that law—  
and empowered to procure the assistance of any president judge or additional law judge of any other district in the Commonwealth to try or assist in the trial of civil or criminal cases, and the transaction of other business before the several courts of the said district, at any regular term, adjourned court, or in vacation."

There is little doubt that if the work of our courts were properly distributed, under the provisions of this bill, there are a sufficient number of judges in the State to do all the judicial work necessary to be done. The eighth district is in a locality where judicial help can be secured without difficulty, and where a similar state of affairs in a neighboring district has been remedied by a resort to the plan which is provided in the bill before referred to.

It may be further said that the press of business in this district is only temporary. Two or three new railroads have been lately built through the county of Northumberland, which have largely increased the volume of business coming before the courts for adjudication. If assistance were procured to dispose of this additional amount of business, it is hardly probable that more than one judge would be needed to keep the business of the district in good condition. The judge of the district does not ask that this bill become a law. There is a decided division of sentiment among the members of the bar and among the people of the county in regard to it. This diversity of sentiment has been made known in various ways to the Executive, and is of such a decided character that it cannot be ignored.

Believing that new judges should be created only in case of urgent public necessity, and believing also that all the requirements of this case can be met under the act above referred to, I am compelled, from a sense of public duty, to withhold my signature from this bill.

JAMES A. BEAVER.

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To the Senate Nominating State Fishery Commissioners.

Executive Department,  
Harrisburg, May 18, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, the following named persons to be State Fishery Commissioners, viz:

Henry C. Ford, Philadelphia.

Henry C. Demuth, Lancaster, Lancaster county.

William L. Powell, Harrisburg, Dauphin county.

S. B. Stillwell, Scranton, Lackawanna county.

James V. Long, Pittsburgh, Allegheny county.

A. S. Dickinson, Meadville, Crawford county.

JAMES A. BEAVER.

To the Senate Nominating Managers of the Western  
Pennsylvania Hospital.

Executive Department,  
Harrisburg, May 18, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, the following named persons to be managers of the Western Pennsylvania, Hospital, viz:

N. P. Reed, Pittsburgh, Allegheny county.

Robert D. McGonigle, Allegheny city, Allegheny county.

J. R. McAfee, Greensburg, Westmoreland county.

JAMES A. BEAVER.

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To the Senate Nominating Trustees of the State Hospital for the Insane of the South-eastern District.

Executive Department,  
Harrisburg, May 18, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, the following named persons to be trustees of the State Hospital for the Insane of the South-eastern District of Pennsylvania, viz:

John F. Hartranft, Philadelphia.

Charles R. Hunsicker, Norristown, Montgomery county.

B. F. Gilkeson, Bristol, Bucks county.

JAMES A. BEAVER.

To the Senate Nominating Members of the State  
Board of Health and Vital Statistics.

Executive Department,  
Harrisburg, May 18, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, the following named persons to be members of the State Board of Health and Vital Statistics, viz:

Howard Murphy, Philadelphia, vice Rudolph Herring, resigned.

J. H. McClelland, M. D., Pittsburgh, Allegheny county.

JAMES A. BEAVER.

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To the Senate Nominating Managers of the Pennsylvania Reform School at Morganza.

Executive Department,  
Harrisburg, May 18, 1887.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, the following named persons to be managers of the Pennsylvania Reform School, for the term of four years, viz:

Thomas McKennan, Washington, Washington county.

A. G. Happer, Washington, Washington county.

W. R. Craighead, Cannonsburg, Washington county.

A. F. Keating, Pittsburgh, Allegheny county.

Isidore Coblens, Pittsburgh, Allegheny county.

H. H. Byram, Pittsburgh, Allegheny county.

Wilson McCandless, Allegheny city, Allegheny county.

Edward Gregg, Allegheny city, Allegheny county.

JAMES A. BEAVER.

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To the Senate Nominating Trustees of the State  
Lunatic Hospital at Harrisburg.

Executive Department,  
Harrisburg, May 18, 1887.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, the following named persons to be trustees of the Pennsylvania State Lunatic Hospital for the term of three years, viz:

Traill Green, Easton, Northampton county.

Charles L. Bailey, Harrisburg, Dauphin county.

JAMES A. BEAVER.

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To the Senate Nominating Trustees of the State Hospital for Injured Persons of the Anthracite Coal Region of Pennsylvania.

Executive Department,  
Harrisburg, May 18, 1887.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, the following named persons to be trustees of the State Hospital for Injured Persons of the Anthracite Coal Region, viz:

Peter D. Helms, Pottsville, Schuylkill county.

John Parker, Mahanoy City, Schuylkill county.

JAMES A. BEAVER.

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Veto of "A Further Supplement to an Act Regulating Boroughs, Authorizing the Erection of Wharves and the Collection of Wharfage Thereon; to Provide for the Creation and Regulation of Poor Districts in the Several Counties in this Commonwealth, and to Enable Boroughs to Adopt and Construct Sewage Systems, and to Assess and Collect the Cost Thereof."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 1, 1887.

I FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, House bill No. 6, entitled "A further supplement to an act regulating boroughs, approved the third day of April, Anno Domini one thousand eight hundred and fifty-one, authorizing the erection of wharves, and the collection of wharfage thereon;" House bill No. 159, entitled "An act to provide for the creation and regulation of poor districts in the several counties of this Commonwealth," and House bill No. 348, entitled "An act to enable boroughs to adopt and construct sewage systems, to assess and collect the cost thereof," with the objections thereto which influence me in withholding my approval from the same.

These bills are all open to the same objection. They all provide for elections by the people interested in their several provisions, in which the acceptance or non-acceptance of the provisions of the bill shall be

determined by the votes of the people. Under the ruling of the Supreme Court, in the appeal of the city of Scranton school district, (3 Amerman, 176.) they all come in conflict with section seven of article three of the Constitution, which forbids the passage of any local or special law regulating the affairs of counties, cities, townships, wards, boroughs or school districts. Whilst the bills are on their face general, they provide that the provisions thereof shall only be operative in such localities as, by the votes of the people, choose to make them so. The inevitable result is that some counties may choose to avail themselves of the provisions of No. 159, for the creation and regulation of poor districts, whilst others may not choose to do so; some boroughs may provide a system of sewage, or for the erection of wharves, and other may refuse to do so. The result, of course, is local application of general principles, which is in effect—and is clearly decided by our highest judicial tribunals to be—local legislation.

This objection is, of course, fatal to these bills, and to all legislation of like character, and I am therefore compelled to withhold my approval from them.

JAMES A. BEAVER.

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Vetoing "An Act to Amend the First Section of 'An Act to Provide for the Election of Prothonotaries, Clerks, Records and Registers.'"

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, June 2, 1887.

**I** FILE, HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, Senate bill No. 140, entitled "An act to amend the first section of an act entitled an act to provide for the election of



prothonotaries, clerks, recorders and registers," approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine, with my objections thereto.

By the provisions of this act, so much of the first section of the act approved July second, eighteen hundred and thirty-nine, entitled "An act to provide for the election of prothonotaries, clerks, recorders, and registers," which reads as follows:

The qualified electors of the county of Jefferson shall elect one person to fill the offices of prothonotary, clerk of the courts of quarter sessions, oyer and terminer, orphans' court, register of wills, and recorder of deeds——

is sought to be amended so as to read as follows:

The qualified electors of the county of Jefferson shall elect one person to fill the office of prothonotary, clerk of the courts of quarter sessions and oyer and terminer, and one person to fill the office of register of wills, recorder of deeds, and clerk of the orphans' court.

This bill is in plain violation of the seventh section of the third article of the Constitution, which provides that the General Assembly shall not pass any local or special law, regulating the affairs of counties. The original act, passed in 1839, was of course proper and constitutional at the time. Such an act, if passed at the present time, however, would be clearly unconstitutional. If so, then it is difficult to see how an amendment of it can be valid under the provisions of the Constitution above recited.

For this reason, I am compelled to withhold my approval from the bill.

JAMES A. BEAVER.

Veto of "An Act to Remove the Disability of John Smith to Give Evidence in any Matter in Controversy, Incurred by Reason of a Conviction of Perjury, in the Court of Quarter Sessions of Butler County."

Commonwealth of Pennsylvania,  
Executive Chamber,

Harrisburg, June 2, 1887.

**I** FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, House bill No. 481, entitled "An act to remove the disability of John Smith to give evidence in any matter in controversy, incurred by reason of a conviction for perjury, in the court of quarter sessions of Butler county, with my objections thereto.

This bill recites the conviction of John Smith in the court of quarter sessions of Butler county, at the December session of 1882, his sentence in pursuance of that conviction, his imprisonment in the western penitentiary, and that by such conviction he is disqualified from being a witness in any matter in controversy. The bill then proceeds, in spite of this disability created in pursuance of the Constitution and the laws, to make him a competent witness by removing the same. In other words, it undertakes to make the said John Smith an exception to the general rule relating to persons convicted of perjury, or to relieve him from the operation of general laws governing that subject. The provisions of the bill are in direct antagonism to the seventh section of the third article of the Constitution, which provides that the General Assembly shall not pass any local or special law granting to any corporation, association or individual any special or exclusive privilege or immunity.

The bill seeks also, to repeal or suspend the fourteenth section of the act of March 31, 1860, relating to

the punishment of perjury and subornation of perjury, so far as the said John Smith is concerned, leaving it in full force as to all other persons placed in like circumstances, which is contrary to the express provision of the Constitution.

In addition to these reasons, cogent and conclusive in themselves, the bill constitutes in effect an assumption of the pardoning power by legislative enactment. If the provisions of the bill became operative, they would amount to the removal of the disabilities imposed by the provision of our criminal code, already referred to. This can only be done by the exercise of Executive clemency, secured through the recommendation of the Board of Pardons, as pointed out in the Constitution.

The attention of the Executive has been called to the peculiar facts of this case, which seem to make it one of great hardship and oppression. If the benefits intended to be conveyed by the bill, were to be actually realized by its beneficiary, I would have no hesitation in affixing my signature thereto; but the fact is, as I regard it, that the bill, even if approved by me, would not accomplish the object aimed at, and would leave the person named therein in exactly the same position before the law as he now occupies.

For these reasons, my approval of the bill must be withheld.

JAMES A. BEAVER.

Veto of "An Act for the Relief of Henry Mullen, of Lancaster County, Late First Lieutenant of the One Hundred and Ninety-first Regiment, Pennsylvania Volunteers.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 2, 1887.

I FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, House bill No. 91, entitled "An act for the relief of Henry Mullen, of Lancaster county, late first lieutenant One Hundred and Ninety-First regiment, Pennsylvania volunteers," with my objections thereto.

If the facts stated in the preamble of this bill be correct, Henry Mullen, the person intended to be benefitted thereby, is clearly and undoubtedly a creditor of the United States. He has no claim whatever upon the State of Pennsylvania. The appropriation sought to be made by the bill is either a gratuity or a loan. In either event the Legislature has no authority under the provisions of the Constitution, as I regard them, to make such an appropriation. Since the passage of the bill, the fact that the said Henry Mullen has been remustered as an officer in the United States Service; that his claim to back pay as such officer is recognized, and has really been adjudicated by the United States Government, has been brought to the notice of the Executive. It would seem, therefore, that there is neither authority nor necessity for the passage of such a law, and executive approval must therefore be withheld.

JAMES A. BEAVER.

Veto of "An Act for the Relief of the State Agricultural Society;" "An Act Making an Appropriation to the Inter-State Exhibition of the Patrons of Husbandry of Pennsylvania, at Williams' Grove;" and "An Act Making an appropriation for the Expenses of the Commissioners of the State of Pennsylvania to the American Exhibition in London, and the Expenses for Transportation of Exhibits to and from the American Exhibition in London."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, June 2, 1887.

**I** FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, House bill No. 685, entitled "An act for the relief of the State Agricultural Society;" House bill No. 686, entitled "An act making an appropriation to the inter-state exhibition of the Patrons of Husbandry, at Williams' Grove," and House bill No. 688, entitled "An act making an appropriation for the expenses of the Commissioner for the State of Pennsylvania to the American exhibition in London, and the expenses for transportation and exhibits to and from the American exhibition in London," with my objections thereto.

The several objects for which appropriations are sought to be made by these bills are all worthy and deserving in themselves. The first and last named bills seek to make appropriations to purely private corporations, conducted for profit. No. 686 seeks to make an appropriation for a particular locality, to be expended under the direction of the Pennsylvania State Grange, an association which would undoubtedly expend the money judiciously and for a worthy purpose. The appropriations sought to be made by these bills are, however, pure gratuities. So far as the institutions to which the money would go are concerned, the legis-

lation involved is an exercise of the charity or benevolence of the State towards persons or communities. This is distinctly and clearly forbidden by section eighteen of article three of the Constitution. If appropriations to these worthy objects were allowable under the Constitution, there is nothing to prevent appropriations to every county, agricultural, horticultural and manufacturing association in the Commonwealth. The mere statement of such a possibility shows the wisdom of the framers of our Constitution.

In addition to the constitutional objections to these several bills, the condition of the revenue and of the amount of appropriations made by the Legislature—greatly in excess of the estimated revenue—would make it impossible to pay these several sums without great detriment to the State and charitable institutions, which will be necessarily greatly restricted in their operations, by reason of their failure to receive much which has been properly appropriated to them.

These reasons compel me, very reluctantly, to withhold my signature from the bills above mentioned.

JAMES A. BEAVER.

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Veto of "An Act for the Relief of Robert Dittrich, of Allegheny County, Pennsylvania."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, June 2, 1887.

I FILE HEREWITH, IN THE OFFICE OF THE  
Secretary of the Commonwealth, House bill No.  
276, entitled "An act for the relief of Robert Dittrich, of Allegheny county, Pennsylvania."

If the recitals of this bill are correct, the person named therein as having rendered service to the State of Pennsylvania, prior to his muster into the military service of the United States, has a just and valid claim against the Commonwealth. Provision, however, has been made by general laws for the adjudication of such claims, and an appropriation was made by the Legislature which has just adjourned for their payment. The claim should be duly presented and adjudicated, in accordance with the provisions of the act of April 16, 1862.

Because of the provision already made, as well as because of a doubt as to the constitutionality of this bill, Executive approval is withheld.

JAMES A. BEAVER.

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Veto of "An Act for the Relief of Caroline Hall, who is a Widow of a Soldier of the War of One Thousand Eight Hundred and Twelve;" "An Act Making an Appropriation for the Relief of Hiram Koonce, of Mercer County;" "A Supplement to 'An act for the relief of Elizabeth Betz, Widow of Peter Betz, a Soldier in the Revolutionary War,' " and "An Act For the Relief of Mary Baker, Widow of John Baker, a Soldier of the War of One Thousand Eight hundred and Twelve."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 3, 1887.

**I** FILE HERewith, IN THE OFFICE OF THE  
Secretary of the Commonwealth, House bill No.  
176, entitled "An act for the relief of Caroline  
Hall, who is the widow of a soldier of the war of one



thousand eight hundred and twelve," House bill, No. 275, entitled "An act making an appropriation for the relief of Hiram Koonce, of Mercer county," Senate bill No. 303, entitled "A supplement to an act entitled an act for the relief of Elizabeth Betz, widow of Peter Betz, a soldier of the revolutionary war, approved the 9th day of April, Anno Domini one thousand eight hundred and fifty-six," and House bill No. 673, entitled "An act for the relief of Mary Baker, widow of John Baker, a soldier of the war of one thousand eight hundred and twelve," together with my objections thereto.

These bills all seek to make gratuities to the persons therein named. One is the widow of a revolutionary soldier; two are the widows of soldiers of the war of 1812; and one is the surviving father of a member of the National Guard, who is claimed in the recital of No. 275 to have contracted a disease which resulted in his death in the service of the State. They appeal strongly to patriotic sympathy. If they stood alone, and we were without a Constitution, few people would perhaps object to their becoming laws. Personally, I would be glad to approve them; officially I cannot do so without a violation of sworn duty. There is no division of opinion, so far as I know, among the interpreters of the Constitution as to the meaning of section eighteen of its third article; and if there were such division in regard to the widows of deceased soldiers it would seem to be set at rest by section nineteen which, immediately following the prohibition of appropriations except for pensions or gratuities for military service provides that:

"The General Assembly may make appropriations of money to institutions where the widows of soldiers are supported or assisted, or the orphans of soldiers are maintained and educated."

If the old ladies referred to in three of these bills were gathered into an institution where they would

be properly cared for, the Legislature would have undoubted authority to make an appropriation to such an institution for their support, but not to them individually.

I can see no escape from the conclusion, reluctantly reached, that these bills cannot become laws if the provisions of the Constitution are to be observed.

JAMES A. BEAVER.

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Veto of "An Act to Provide for the Renewing and Extending of Charters of Banks of Discount.

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, June 3, 1887.

**I** FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, Senate bill No. 201, entitled "An act to provide for the renewing and extending of charters of banks of discount," with my objections thereto.

This bill seeks to extend the charters of banks of discount heretofore incorporated under any law of this Commonwealth, in a manner therein pointed out.

The seventh section of article three of the Constitution provides that—

"The General Assembly shall not pass any local or special law creating corporations or amending, renewing, or extending the charters thereof."

Section ten of the sixteenth article of the Constitution provides that—

"No law hereafter enacted shall create, renew, or extend the charter of more than one corporation."

These provisions of the Constitution are entirely incongruous, and it is difficult to see how, in the face of

the provisions of the seventh section of the third article, the legislature could do under any circumstances what they were forbidden to do by the tenth section of the sixteenth article. Either of these provisions, however, forbids the enactment of such a law as is attempted in this bill, and my approval is therefore withheld.

JAMES A. BEAVER.

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Veto of "An Act to Repeal the Portion of the Act  
Relative to the Collateral Inheritance Tax."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, June 3, 1887.

**I** FILE HEREWITH, IN THE OFFICE OF THE  
Secretary of the Commonwealth, Senate bill No.  
66, entitled "An act to repeal the portion of the  
act relative to the collateral inheritance tax," with my  
objections thereto.

In endeavoring to ascertain what this bill is, one naturally turns from a title so defective to the text of the bill itself, but finds on examination that the act is as defective as the title. What portion of what act relative to the collateral inheritance tax is sought to be repealed? Nowhere in the title or in the text of the act is this information given.

The bill is inartificially drawn and of doubtful public policy, and my approval of it is therefore withheld.

JAMES A. BEAVER

Veto of "An Act Relating to the Cleaning and Maintenance of Streets and Roads, and the Collection and Removal of Garbage and Ashes in Cities of the First Class."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 3, 1887.

**I** FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, Senate bill No. 307, entitled "An act relating to the cleaning and maintenance of streets and roads, and the collection and removal of garbage in cities of the first class," with my objections thereto.

The object of this bill is no doubt entirely proper, and its enactment into a law would undoubtedly aid the municipal authorities of Philadelphia in making contracts for the cleaning of their streets, &c., which would be greatly to the advantage of the city. Proper as the object is, however, the Legislature has no power whatever to aid in the accomplishment of it in the manner indicated in this bill. It is probable that the power conferred in the first section of the bill is within the scope of legislative authority. The second section, however, provides that:—

"Whenever any contract is made for any of the purposes hereinbefore mentioned for a term of years, it shall be the duty of the councils of the said cities to make the necessary appropriation for the work to be done in each year, on or before the last day of December of the year immediately preceding; and if the said Councils fail to make such appropriation for any year, then the necessary appropriation shall be deemed to have been made by virtue of this act, and warrants for payment for the work done shall be drawn, countersigned, delivered, and paid by the proper municipal officers."

The mere recital of the provisions of this section shows the impossibility of their being enacted into a statute of binding force and efficacy. The councils of cities of the first class, which constitute their legislative authority, can alone appropriate money for carrying on the municipal affairs of such cities. This bill provides, however, that in case such Councils fail to make the necessary appropriations for work thereafter to be done, the appropriations shall be deemed to have been made by virtue of this act; or, in other words, the Legislature of Pennsylvania appropriates the money in the treasury of the city of Philadelphia, and more than this, directs the proper municipal officers of that city to draw warrants for payment for the work done, countersign, deliver, and pay the same—thereby assuming in effect the control of these officers and giving binding directions as to what they shall do. This the State Legislature has, in my judgment, no shadow of right to do, and for the reasons stated my approval is withheld from the bill.

JAMES A. BEAVER.

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Veto of "An Act for the Relief of James H. Tebay, Former Prothonotary of the County of Butler, Pennsylvania."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, June 3, 1887.

I FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, House bill No. 563, entitled "An act for the relief of James H. Tebay, former prothonotary of the county of Butler, Pennsylvania," with my objections thereto.

This bill seeks to relieve James H. Tebay, former prothonotary of Butler county, from the payment of a balance found against him, which appears to have been liquidated in a proceeding against him by the Commonwealth, pursued in judgment. If the recitals be correct, the amount of this judgment is made up of tax upon writs which he, as prothonotary, issued without the prepayment of said tax. I cannot find in the facts as recited in the preamble of this bill any valid ground for this exemption. The prothonotary unquestionably had the right to require the tax to be paid in advance. It was not only his right to charge it, but it was his duty to demand and receive it. His failure to do so, was, therefore, a breach of his duty to the Commonwealth.

This is not in the nature of an exoneration from the payment of money which it was impossible for him to collect, but is in reality a gratuity, which the Legislature is forbidden by the terms of the Constitution from granting.

The facts in this particular case may, and probably do, indicate some hardship. But we are dealing with general principles, as laid down by the Constitution, and not with exceptional cases, such as the facts in this particular bill disclose. In the administration of law under the Constitution as it is, I am unable to see how this bill can become a law, and am therefore reluctantly compelled to withhold my approval.

JAMES A. BEAVER.

Veto of "An Act Granting an Annuity and a Gratuity to George W. Rymer, Late a Member of Company F, One Hundred and Forty-ninth Pennsylvania Volunteers;" and "An Act Granting an Annuity to Henry B. Goodman, a Private in Company I, Twentieth Regiment Pennsylvania State Militia."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 3, 1887.

I FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, House bill No. 355, entitled "An act granting an annuity and gratuity to George W. Rymer, late a member of company F, One hundred and Forty-ninth Pennsylvania volunteers," and House bill No. 635, entitled "An act granting an annuity to Henry B. Goodman, a private in company I, Twentieth regiment, Pennsylvania state militia," together with my objections thereto.

Neither of these bills professes to appropriate the money of the Commonwealth as a pension or gratuity for military services, although the beneficiaries thereof are both named as members of military organizations. Rymer met with an accident at an encampment of the Grand Army of the Republic, years after he had been honorably discharged from the military service. His injuries had no connection whatever with such service. Goodman, if his accident occurred while he was in military service, has a valid claim upon the United States, into whose service he was mustered or engaged. If not in the military service at the time of the accident there can be no claim upon the State of Pennsylvania. Neither of the claims, in my judgment, comes within the exception of the 18th section of the 3rd article of the Constitution, which permits appropriations for pensions or gratuities for military service—the section itself forbidding appropriations for



charitable, educational, or benevolent purposes to any person or community.

Of one or both of these cases the Executive has personal knowledge. The beneficiaries of the bills are worthy and deserving of charity; but inasmuch as the Constitution forbids the distribution of the money of the Commonwealth in charity, I am compelled to withhold my signature from the bills for that reason.

JAMES A. BEAVER.

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Veto of "An Act to Regulate the Practice of Homoeopathic Pharmacy and Sale of Poisons, and to Prevent Adulterations in Drugs and their Homoeopathic Medicinal Preparations, in the State of Pennsylvania."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 3, 1887.

I FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, House bill No. 105, entitled "An act to regulate the practice of homoeopathic pharmacy and sale of poisons, and to prevent adulterations in drugs and their homoeopathic medicinal preparations in the State of Pennsylvania."

This bill is almost identical with the act regulating the practice of general pharmacy in the State. There is no reason, of course, why the same rules which apply to pharmacy in general should not apply to homoeopathic pharmacy. There is, however, a constitutional difficulty raised by the provisions of this bill which is not raised by that regulating general pharmacy, and which has become a law. All the penal provisions of the bill under consideration provide that the fines

imposed thereby shall be divided; one half of them to be paid to the State homoeopathic pharmacy board, established under the provisions of the act, and the other half to the county. This provision occurs several times in the bill.

The thirteenth section of the fifth article of the Constitution provides that:—

“All fees, fines, and penalties in said courts”—referring to the court of quarter sessions, among others—“shall be paid into the county treasury.”

There can, therefore, under the provisions of the Constitution be no division of the penalties imposed by the law, and to that extent, therefore, the bill would be inoperative. It is not advisable to place upon the statute books laws which are known to be opposed to the provisions of the Constitution, and whilst the defects in this law might be remedied in its enforcement by the courts, it is better, in my judgment, all things considered, that the bill go over until the next meeting of the Legislature, when it will undoubtedly be re-enacted with the objectionable clauses eliminated, and with any other improvements which may be found necessary in the practical workings of the law regulating pharmacy.

For the reasons stated my approval is withheld from this bill.

JAMES A. BEAVER.

Veto of "A Supplement to an Act to Provide for the Regulation and Inspection of Buildings in the City of Philadelphia, and for the Better Preservation of Life and Property, and Providing for the Increase in the Number of Building Inspectors."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 3, 1887.

**I** FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, Senate bill No. 290, entitled "A supplement to an act, entitled 'A supplement to an act to provide for the regulation and inspection of buildings in the city of Philadelphia, and for the better preservation of life and property,' approved April thirteenth, Anno Domini one thousand eight hundred and fifty-eight, and providing for the increase in the number of building inspectors," with my objections thereto.

It may be true that there is necessity for an increase in the number of persons charged with the duty of inspecting and supervising the erection and repair of buildings in Philadelphia. A city which is growing at the rate of more than ten thousand buildings a year cannot probably be efficiently served by three persons to inspect such a vast number of building operations. It may be that the present bill does not name a greater number of men than can be properly and profitably employed in doing such work. This bill, however, is so faulty in its construction that I have grave doubts whether an additional number of building inspectors could be appointed and legally perform their duties thereunder.

The 6th section of the third article of the Constitution provides that "No law shall be revived, amended, or the provision thereof extended or conferred by reference to its title only; but so much thereof as is re-

vived, amended, extended, or conferred shall be re-enacted and published at length." This bill does not even give the title of the bill to which it is a supplement, nor does it give the date of approval of the original act and its supplement. Its phraseology in this regard is as follows:

"That so much of the supplement to an act to which this is a supplement, as reads, as follows."

What supplement? To what act? These vital questions are not answered by the bill, and the failure to answer is, in the light of the requirements of the Constitution, fatal.

The structure of the bill is perhaps also faulty, as it seeks to amend a certain portion of a single section of a supplement to a former act, and inserts in lieu thereof two separate and distinct sections. The latter objection might not be considered of such importance as to justify the withholding of my approval from this bill; but taken in connection with the previous objection, already stated, I am unable to see how it is possible for me to approve it.

JAMES A. BEAVER.

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Veto of "An Act to Equalize the Legal Charges for Mileage in this Commonwealth;" and "An Act to Amend the Thirteenth Section of 'An act to amend and Alter the Fee Bill,' and Increasing the Compensation of Witnesses for Attending Court."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, June 3, 1887.

**I** FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, Senate bill No. 80, entitled "An act to equalize the legal charges for mileage in this Commonwealth," and House bill

No. 193, entitled "An act to amend the thirteenth section of an act entitled 'An act to amend and alter the fee bill, passed the twenty-second of February, Anno Domini one thousand eight hundred and twenty-one, and increasing the compensation of witnesses for attending court,' " with my objections thereto.

Portions of both of these bills seem to me to be entirely proper. No. 80 seeks to provide the same mileage for jurors and witnesses as is provided for sheriffs, constables and other officers. Public policy has heretofore directed, and seems to demand, that witnesses should be paid only so much as will fairly compensate them for their attendance in the discharge of their duty. No inducement should be offered to any portion of our citizens to seek to become witnesses. The cost of litigation is one of its greatest evils, and deters many persons from seeking the enforcement of their just rights. In criminal cases, the witnesses may be multiplied to such an extent as to make prosecutions for minor offences extremely oppressive, and if any inducement in the way of compensation is held out, such an abuse, already greatly complained of, would become insufferable. The actual cost to a witness of traveling to and from the point at which his testimony may be given can scarcely exceed three cents a mile, as it is at present. The desirability for such a limitation applies also, but with less force, to jurors.

No. 193 simply seeks to make uniform the pay of witnesses throughout the Commonwealth, and to fix the daily compensation at the amount which prevails in most of the counties thereof. It is open to the same objections as to mileage, however, as No. 80, and for this reason my approval is withheld from both.

JAMES A. BEAVER.

Veto of "An Act to Provide for the Payment of the Balance of the Unpaid Salary of Henry W. Williams, Late a Justice of the Supreme Court of Pennsylvania, for the Year One Thousand Eight Hundred and Seventy-seven, to His Widow and Sole Devisee and Executrix, Lucy J. Williams;" and "An Act to Provide for the Payment of the Balance of the Unpaid Salary of James B. Knox, Late a Judge of the Court of Common Pleas of the Eighteenth Judicial District of the Commonwealth of Pennsylvania, for the Quarter Commencing on the First Day of December, in the Year One Thousand Eight Hundred and Eighty-four, to His Widow and Sole Devisee and Executrix, Jennie B. Knox."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, June 3, 1887.

[ FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, Senate bill No. 252, entitled "An act to provide for the payment of the balance of the unpaid salary of Henry W. Williams, late a justice of the Supreme Court of Pennsylvania, for the year one thousand eight hundred and seventy-seven, to his widow and sole devisee and executrix Lucy J. Williams," and House bill No. 838, entitled "An Act to provide for the payment of the balance of the unpaid salary of James B. Knox, late a judge of the Court of Common Pleas of the 18th judicial district of the Commonwealth of Pennsylvania, for the quarter commencing on the first day of December, in the year one thousand eight hundred and eighty-four, to his widow and sole devisee and executrix Jennie B. Knox," with my objections thereto.

Both of these bills rest upon the assumption that the Commonwealth was indebted to the judges, whose widows are mentioned therein, at the time of their

death beyond the amount which was settled and paid to their legal representatives after their death. One proceeds upon the assumption that the salary to be paid to Judge Williams was an annual salary, that the contract of the State made with him was an entire contract for a year, and that his legal representative is entitled to the salary for the entire year. The other proceeds upon the assumption that the legal representative of Judge Knox is entitled to the balance of one quarter's pay, during but a portion of which he lived and served the State.

I would be glad if I could conscientiously concur in these assumptions. If the judges who died were entitled to the salaries for a year and a quarter, respectively, then the judges who lived as their successors and served for the balance of the year and a quarter, respectively, were entitled to be paid for the same period. That is, two persons were entitled to be paid for the same service for the same time. Surely this cannot be. If not, then the amount appropriated in these several bills is a gratuity to the persons named therein. This cannot be, under the Constitution, and I therefore reluctantly withhold my approval from both.

JAMES A. BEAVER.



Veto of "An Act Authorizing the State Treasurer to Refund to George M. Ramsey Collateral Inheritance Tax Paid in Error;" and "An Act Authorizing and Directing the County Treasurer of Schuylkill County to Refund to Certain Cattle Drovers or Other Live Stock or Stock Yard Dealers in Said County, Taxes Illegally Demanded from Said Cattle Drovers or Other Live Stock or Stock Yard Dealers as Mercantile Taxes, and Paid by Them, and for Which Taxes so Refunded, the State Treasurer is Directed to Allow Said County Treasurer Credit on Account of any Moneys so Paid by Said County Treasurer to the Commonwealth."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, June 4, 1887.

I FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, House bill No. 190, entitled "An Act authorizing and directing the county treasurer of Schuylkill county to refund to certain cattle drovers, or other live stock or stock yard dealers of said county, taxes illegally demanded from said cattle drovers or other live stock or stock yard dealers as mercantile tax, and paid by them, and for which taxes so refunded the State Treasurer is directed to allow said county treasurer credit on account of any money so paid by the said county treasurer to the Commonwealth," and House bill No. 509, entitled "An Act authorizing the State Treasurer to refund to George M. Ramsey collateral inheritance tax paid in error," together with my objections thereto.

The seventh section of the third article of the Constitution provides, inter alia, that the General Assembly shall not pass any local or special law refunding moneys legally paid into the treasury. It is not alleged that the moneys paid into the treasury, referred

to in either of these bills, was paid under any mistake as to matters of fact. If any mistake in regard to the payment existed it was a mistake of law and not of fact, and therefore the payment was entirely legal. The repayment to Ramsey is authorized by general law, if the original payment were made erroneously. If repayment in such cases is desirable, it should be made under the provisions of general laws governing the subject, and not, as in this case, by special laws, which are expressly forbidden by the Constitution.

JAMES A. BEAVER.

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Veto of "An Act To Authorize the Payment by the State Treasurer of Certain Indebtedness Against the Marine Hospital at Erie, Pennsylvania, now Used by the State as a Home for Disabled and Indigent Soldiers and Sailors of Pennsylvania."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, June 4, 1887.

**I** FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, House bill No. 684, entitled "An Act to authorize the payment by the State Treasurer of certain indebtedness against the Marine hospital at Erie, Pennsylvania, now used by the State as a home for disabled and indigent soldiers and sailors of Pennsylvania," with my objections thereto.

If the recitals of this bill are to be taken as a statement of the facts, the Legislature has no authority whatever to make an appropriation such as is provided for in this bill. William I. Williams obtained a judgment in the court of common pleas of Erie county

against the Marine hospital of Pennsylvania at Erie, for a considerable sum. The Marine Hospital of Pennsylvania was a private corporation. Its property passed into the hands of the Commonwealth. No obligation, whatever, except perhaps, an equitable one, attaches to the Commonwealth for the payment of this money. If there be no legal obligations to pay it, then, of course, the amount appropriated under this bill is a gratuity, which the Legislature has no power to grant to an individual. It may be that this amount ought, in equity, to be paid to the representatives of Mr. Williams. I am not able to bring myself to see, however, that this can be done, under the provisions of the Constitution, in the manner pointed out by this bill. My approval is therefore withheld.

JAMES A. BEAVER.

Veto of "An Act to Make an Appropriation for the Expense of a Pedestal for a Monument to be Erected in Fairmount Park, in the City of Philadelphia, to the Memory of the Late President James A. Garfield;" "An Act to Appropriate Five Thousand Dollars to the McClellan Memorial Association to Defray the Expenses of a Suitable Pedestal for the Statue of General George B. McClellan, to be Erected by Said Association;" "An Act Making an Appropriation for the Enlargement of the Burial Vault of the Scott Legion of Philadelphia;" and "An Act to Make an Appropriation for the Erection of a Monument to Jennie Wade, Killed at the Battle of Gettysburg, on the third day of July, One Thousand Eight Hundred and Sixty-three."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 4, 1887.

**I** FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, Senate bill No. 279, entitled "An act to make an appropriation for the expense of a pedestal for a monument to be erected in Fairmount park, in the city of Philadelphia, to the memory of the late President James A. Garfield," House bill No. 330, entitled "An act to appropriate five thousand dollars to the McClellan Memorial Association, to defray the expense of a suitable pedestal for the statue of General George B. McClellan, to be erected by said association" House bill No. 331, entitled "An act making an appropriation for the enlargement of the burial vault of the Scott Legion of Philadelphia," and House bill No. 683, entitled "An act to make an appropriation for the erection of a monument to Jennie Wade, killed at the battle of Gettysburg, on the third day of July, one thousand eight hundred and sixty-three," with my objections thereto.

These bills are each and all open to the same objection. They seek to appropriate money to private corporations or associations not in any way under the control of the State, and fall within the provisions of the eighteenth section of the third article of the Constitution. The objects for which the money is sought by these bills are all entirely praiseworthy, and such as appeal to our better instincts. I would be glad could I consistently with duty approve them. Could I by any possibility raise a doubt on the subject of their constitutionality, I would be inclined to resolve that doubt in their favor. Unable to do this, I am compelled to withhold my approval from all of them.

JAMES A. BEAVER.

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Veto of "An Act Appropriating Ten Thousand Dollars for the Erection of a Monument or Statue Commemorative of the First Engagement that took Place on Free Soil During the Civil War;" and "An Act Appropriating Forty Thousand Dollars for the Erection of Monuments to the Memory of General George G. Meade and General Winfield Scott Hancock, on the Battlefield of Gettysburg, Pennsylvania."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 4, 1887.

**I** FILE HERewith, IN THE OFFICE OF THE Secretary of the Commonwealth, House bill No. 681, entitled "An act appropriating \$10,000 for the erection of a monument or statue commemorative of the first engagement that took place on free soil during the civil war," and House bill No. 691, entitled

"An act appropriating \$40,000 for the erection of Monuments to the Memory of General George G. Meade and General Winfield Scott Hancock, on the battle-field of Gettysburg, Pennsylvania," with my objections thereto.

Both the events and the men sought to be commemorated by these two bills are worthy of commemoration. In neither case is the appropriation sufficient to worthily perpetuate the event referred to and the men to whom we are so greatly indebted for the successful result of the battle of Gettysburg. Their memory remains with us and can be honored at any time in the future. A very large appropriation has been made for the purpose of perpetuating the memory of the deeds of Pennsylvania's military organizations engaged at the battle of Gettysburg, which, in my judgment, is more than can be safely spared from the revenues of the Commonwealth, at this time, for such a purpose. My hope is, that before the next regular meeting of the Legislature, plans may be perfected for more fully and satisfactorily providing for monuments to Generals Meade and Hancock than could be done under the provisions of the bill which relates to them. If this can be done, and a sufficient amount appropriated to properly carry them into effect, it will give me very great pleasure to co-operate, personally and officially, in doing so.

Because of the excess of appropriations over and above estimated revenues, and the prospect that under a recent decision of the United States Courts, our revenues may be yet further diminished, I am reluctantly compelled to withhold my approval from these, and many other bills which strongly appeal to my sympathy and State pride.

JAMES A. BEAVER.

Veto of "An Act to Enlarge the Power of Boroughs in Regard to Supplying the Inhabitants with Light and Fuel by Natural Gas."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 6, 1887.

**I** FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, House bill No. 230, entitled "An act to enlarge the power of boroughs in regard to supplying the inhabitants with light and fuel by natural gas."

The purpose of this bill is, in my judgment, opposed to sound public policy. The attempt to furnish natural gas for light and fuel is necessarily more or less of an experiment in any case. It is unwise for municipal corporations to enter into any business of a speculative character which involves the risk and uncertainty necessarily connected with the attempt to procure natural gas by boring therefor. If the supply were assured and the permanence thereof established, so that the element of uncertainty were eliminated from the effort of securing it, there would, in my judgment, be no serious objection to the bill.

The bill is by no means carefully drawn, considering the great importance of the subject; but the main and serious objection thereto is the great uncertainty which must necessarily exist in regard to the source and permanence of the supply of gas. For this reason I am compelled to withhold my approval from this bill.

JAMES A. BEAVER.



Veto of "An Act for the Relief of George W. Bower, Late a Private in Company E, Sixteenth Regiment, National Guard of Pennsylvania."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 6, 1887.

**I** FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 634, entitled "An act for the relief of George W. Bower, late a private in company E, Sixteenth regiment, National Guard of Pennsylvania."

The appropriation provided for in this bill comes, in my judgment, within the exception to the prohibition contained in the eighteenth section of the third article of the Constitution, which authorizes appropriations for pensions and gratuities for military services. If the recitals of the bill are correct, the said Bower met with an accident whilst engaged in the service of the State, and in the line of his duty, on the fourth of August, A. D. 1884, in the camp of the National Guard, near Gettysburg, in consequence of which he was totally disqualified for manual labor for about eight months, and ever since rendered unable to perform any but light work. Some provision should be made for cases of this character. It should, in my judgment, be made a general law covering the whole subject, providing for a careful examination into the facts of each case by the Adjutant General or Auditor General of the Commonwealth, in which the sworn testimony of the party interested—his comrades and neighbors—could be taken, and an intelligent estimate made of the amount actually necessary to reimburse him for loss of time, &c., arrived at. The kind of legislation involved in this bill is extremely dangerous, and may lead to grave imposition upon the Legislature.

I am loth to withhold my approval from this bill,

and do solely for the purpose of calling attention to the fact that some general legislation upon the subject is needed, under which the beneficiary of this bill and persons in like situations may be provided for, without the necessity of special legislation of the character of this bill. If such legislation should be enacted, there will be no reason why the national guardsman proposed to be benefited by this bill should not be cared for hereafter. I regret the delay which will inevitably follow this action, but it seems to me that the general good to be accomplished will greatly outweigh individual inconvenience.

JAMES A. BEAVER.

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Veto of "An Act Fixing the time from which the Statute of Limitations Shall Begin to Run Against Decedent Estates."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 6, 1887.

I FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 220, entitled "An act fixing the time from which the statute of limitations shall begin to run against decedent's estates."

If this bill were simply prospective in its scope and application, it would receive my approval; but its provision that the statute "shall be held to have commenced to run," notwithstanding letters of administration "shall not have issued," plainly demonstrates that it is intended to be retrospective in its operation. In this is its fatal defect.

The limits of legislative power on this subject are

clearly and correctly defined in Cooley on Constitutional Limitations, page 451, as follows:

“A statute of limitation also must proceed on the idea that the party has full opportunity afforded him to try his right in the courts. A statute could not bar the existing right of claimants without affording this opportunity. If it should attempt to do so, it would not be a statute of limitations, but an unlawful attempt to extinguish rights arbitrarily, whatever might be the purport of its provisions. It is essential that such statutes allow a reasonable time after they take effect for the commencement of suits upon existing causes of action.”

The bill under consideration, when approved, goes into immediate effect, and, if sustained, might absolutely bar claims valid under existing laws. The legislature has no more power to wipe out an existing indebtedness by applying to it the bar of the statute of limitations, already fully run, than to impair a contract or destroy a right in any other way.

Believing this bill in its retrospective features to be unjust, as well as unconstitutional, I cannot give it my approval.

JAMES A. BEAVER.

Veto of "An Act Making an Appropriation to the Woman's Homoeopathic Association of Pennsylvania for its Medical, Surgical and Maternity Hospitals, situated at Twentieth Street and Susquehanna Avenue, in the City of Philadelphia, in Conformity with the Recommendation of the Board of Public Charities."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 6, 1887.

**I** FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, House bill No. 329, entitled "An act making an appropriation to the Women's Homoeopathic Association of Pennsylvania," &c., with the reasons which force me to withhold my approval therefrom.

Under recent legislation and judicial interpretation of existing tax laws, it becomes evident that the financial resources of the State for the next two years are likely to fall below those of the past two years, while the appropriations have been largely increased. By the action of the Legislature, which the Executive was powerless to restrict or revise, had he been so disposed, an addition of \$1,000,000 for the next two years was made to the appropriation to common schools. The appropriations to penal and charitable institutions, maintained exclusively by the State, are unavoidably somewhat increased, and will increase from year to year with the growth of the State. The necessary provision for the wards of the State in the institutions for the blind, the deaf and dumb, and the feeble-minded, leaves no discretion in the Executive as to the approval of the appropriations for the purpose of sustaining these institutions. The training of the teachers of the State in the normal schools; the education of the soldiers' orphans, and the support of the crippled and

enfeebled soldiers of the late war draw largely upon the financial resources of the Commonwealth. Many of the hospitals, homes, and houses of refuge are so useful in their respective spheres and localities, and so much in need of aid from the State to enable them to carry forward their works of charity, that such aid cannot be refused. The institution named in this bill is of undoubted usefulness and merit; and were the application for necessary aid to enable it to continue its ordinary operations it would, perhaps, be entitled to as much consideration as any other private charitable institution; but the application is exclusively for the purpose of enabling it to pay off a mortgage, and the finances of the State, in their present condition, do not justify an appropriation for such a purpose. I am therefore reluctantly compelled to withhold my approval from this bill.

JAMES A. BEAVER.

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Veto of "An Act to amend 'An Act to provide for the Better Government of Cities of the First Class in this Commonwealth.' "

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 6, 1887.

**I** FILE HERewith, IN THE OFFICE OF THE Secretary of the Commonwealth, House bill No. 505, entitled "An act to amend an act to provide for the better government of the cities of the first class in this Commonwealth, approved June first, one thousand eight hundred and eighty-five," with objections thereto.

This bill recites the whole of article three of the act of 1885, but the only change proposed to be made is in the seventh clause or paragraph of said article. By that clause it is provided that—

“There shall be created and established by ordinance a pension fund, to be maintained by an equal and proportionate monthly charge made against each member of the fire and police force.”

The bill under consideration proposes to strike out the words—

“To be maintained by an equal and proportionate monthly charge made against each member of the fire and police force.—”

and to add at the end of the paragraph the words—

“Provided that such fund shall not be derived from any pay or compensation allowed by the members of said fire and police force.”

The effect of this change, if made, would be to leave in full force the requirement that a pension fund should be established, but to prohibit its being derived from contributions from the members of the fire and police force, and as no other source is provided from which it shall be derived, it is clear that the intention is that it shall come from the public funds of the city raised by taxation. The purpose to which this fund is to be applied, as provided by the act of 1885, (and which is not changed by the present bill,) is—

“For the benefit of such members of the fire and police board as shall receive honorable discharges therefrom, by reason of age or disability, and the families of such as may be injured or killed in service.”

This, then, in effect would be to provide for the payment from the funds of the city of pensions or gratuities to the persons coming within the description as above given, and such appropriation of the public funds is plainly forbidden by section seven of article nine of the Constitution, which reads as follows:

"The General Assembly shall not authorize any county, city, borough, township, or incorporated district to become a stockholder in any company, association, or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual."

For this reason the bill cannot receive my approval.

JAMES A. BEAVER.

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Veto of "An Act Amending 'An Act in Relation to Persons Imprisoned Under Sentenced for Offences Against the Laws of Pennsylvania.'"

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, June 6, 1887.

I FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, without my approval, House bill No. 141, entitled "An act amending an act, entitled 'An act in relation to persons imprisoned under sentence for offenses against the laws of Pennsylvania,' approved May twentieth, one thousand eight hundred and sixty-nine."

The section of the act of 1869 which is quoted and sought to be amended by this bill is the entire act, and the proposed amendments are substantially independent legislation, replacing and superseding the act of 1869. While there is no constitutional objection to this mode of legislation, the ordinary method of enacting the new provision into an independent statute and repealing the law thus supplied is the more orderly and satisfactory.

The bill under consideration greatly increases the deduction from sentences allowed to prisoners for good behavior. It seeks to shorten the sentences of



those already in confinement, as well as of persons hereafter convicted. In this it in effect attempts to modify and impair existing legal judgments. This is beyond the power of the Legislature under the Constitution to do. (*Commonwealth ex rel. Johnson v. Holloway*, 6 Wright, 446.) Under its operations many prisoners with very considerable portions of their sentences unserved would be at once released. This is a practical exercise of the pardoning power, which under the Constitution is vested in the Executive alone on the recommendation of the Board of Pardons.

Under substantially similar constitutional provisions the Supreme Court of Massachusetts, in *14 Pickering*, 472, decided that the Legislature—

“Have not the right in any case to commute the punishment by law after sentence has been given.”

This bill then, so far as it applies to past sentences is plainly unconstitutional, and would if approved be inoperative. In its application to future sentences it is of doubtful wisdom, unless accompanied with a careful and judicious legislative revision of existing laws prescribing the punishment for crimes. It is possible that a more careful consideration of this subject may indicate to a future Legislature the wisdom of an entire change in the character of sentences imposed, and of the method of limiting and terminating the same. For the reasons stated I withhold my approval from this bill.

JAMES A. BEAVER.

Veto of "An Act to Amend 'An Act to Provide for the Health and Safety of Persons Employed in and About the Anthracite Coal Mines of Pennsylvania, and for the Protection and Preservation of Property Connected therewith.' "

Commonwealth of Pennsylvania,  
Executive Chamber,

Harrisburg, June 6, 1887.

I FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, House bill No. 52, entitled "An act to amend the second section of an act, entitled 'An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania, and for the protection and preservation of property connected therewith,' approved the thirtieth day of June, Anno Domini one thousand eight hundred and eighty-five."

This bill is imperfect and incomplete in its provisions, and would be inconvenient and impracticable in operation. It provides for the appointment of a board to examine applicants for the positions of inspector of mines in the Second, Third and Fourth districts of the anthracite region, by the judges of the counties of Luzerne, Sullivan and Carbon, and for the appointment of a similar board for the Fifth, Sixth and Seventh districts, by the judges of the counties of Schuylkill, Northumberland, Columbia, Lebanon and Dauphin. As these appointments are to be made by the judges, and not by the courts of these several counties, the bill must contemplate a meeting, or rather meetings of the judges of the counties named; but no time nor place is fixed for such meeting, and no authority vested in any one to fix such time and place. Such a convention of judges would be an anomaly in judicial history, and in practice an innovation of doubtful wis-

dom. Great caution should be exercised in imposing extra judicial duties upon our courts. But the proposition of this bill goes still farther. It takes the judges from the bench and makes them members of a convention, necessarily held outside of the districts of many of them, and whose functions and duties are in no respects judicial. Believing then, that this bill is not wise in its provisions, and is impractical of execution, I withhold my approval therefrom.

JAMES A. BEAVER.

Veto of "An Act to Amend 'A Supplement to An Act for the Better and More Impartial Selection of Persons to Serve as Jurors in Each of the Counties of this Commonwealth.' "

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, June 6, 1887.

**I** FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, without my approval, House bill No. 167, entitled "An act to amend an act, entitled 'A supplement to an act for the better and more impartial selection of persons to serve as jurors in each of the counties of this Commonwealth,' approved the tenth day of April, Anno Domini one thousand eight hundred and sixty-seven, (pamphlet laws one thousand eight hundred and sixty-seven, page sixty-two,) approved the eighteenth day of March, Anno Domini one thousand eight hundred and seventy-four, (pamphlet laws one thousand eight hundred and seventy-four, page forty-six.)"

This bill seeks to change the existing law by providing that the list of names placed in the jury wheel,

when it is filled, shall be kept by the president judge of the court of each county, instead of being filed with the prothonotary, as is now required by law. The further provision that said list shall be produced in court when occasion requires, seems to imply that at other times it is to be kept from public inspection and scrutiny. The attempt to surround any judicial proceeding or any step in the administration of justice with an air of secrecy is unwise; it awakens suspicion, and suspicion destroys confidence. The courts, and every step of their proceedings, must be not only pure, but above suspicion. When a venire of jurors is drawn, it immediately becomes public, and if any danger of tampering with a jury is apprehended, it arises then, and not before. There is no good reason why the list of names in the jury wheel should be kept from the knowledge of the people, as this bill seems to contemplate, and it is therefore not approved, as being contrary to sound public policy.

JAMES A. BEAVER.

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Veto of "An Act for the Punishment and Prevention of Disorderly Conduct in Railroad Passenger Cars and at Railroad Passenger Stations."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 7, 1887.

I FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 122, entitled "An act for the punishment and prevention of disorderly conduct in railroad passenger cars and at railroad passenger stations."

Some of the provisions of this act are proper and salutary. All the acts which are therein declared to be misdemeanors, and punishable as such, should doubtless be so considered and made punishable. If persons committing these acts were to be dealt with in the ordinary way the bill might properly be approved. The other provisions of the bill, however, are of such an extraordinary character, and confer such unusual powers upon ordinary citizens, that it is difficult to see upon what principle the bill as a whole can be justified. The third section provides that:—

“For the purpose of enforcing the provisions of this act and preventing the commission of disturbances of peace and good order, every conductor lawfully in charge of a passenger train on any railroad within this Commonwealth, and every station master employed on any such railroad shall, while on duty, be vested with the powers of a peace officer, including the power to arrest on view any person found violating the provisions of this act, and also the power to summon a posse for the purpose of effecting such arrests, suppressing violations of this act, or ejecting from passenger trains or stations any person or persons there found violating the provisions of this act.”

Resistance to the employes of railroads to be thus constituted as peace officers is to be punished in the same manner as resistance to officers. The right to eject from railroad trains and stations persons who are found violating the rules of the Company is undoubted, and the disposition of the order-loving traveling public to uphold the authority of conductors and others who are charged with the responsibility of running trains, &c., is almost universal. It would seem, therefore, as if the persons named in this act were already possessed of the power which would enable them to properly control and preserve the property with which they are entrusted, and the peace and com-

fort of passengers who look to them for protection and preservation of order. If this were not so regarded by the common judgment of mankind, as well as by the rulings of our courts, there might be some necessity for the stringent and extraordinary provisions of this bill.

The 5th section of the act provides for summary convictions before aldermen and justices of the peace, subject to the right of appeal as in other cases of summary conviction. This right of appeal, however, would be of little use to a person who might find himself at a distance from home, without friends to assist him or means to defend himself. The whole machinery by which the misdemeanors created in the first and second sections of the bill are to be punished is of such an extraordinary character, and so summary in its nature, that the propriety of giving the force of law to its operation is a matter of grave doubt, as being opposed to sound public policy. Rare occasions may arise when such machinery might be useful, but if it were put in operation many cases would undoubtedly arise in which it would lead to great oppression to the citizen.

I therefore withhold my approval from the bill.

JAMES A. BEAVER.

Veto of "An Act Taxing all Orders, Checks, Dividers, Coupons, Pass Books or Other Paper Representing the Wages or Earnings of an Employe not Redeemed in Thirty Days by the Person, Firm, Partnership, Corporation or Association Issuing such Orders, et cetera, by Paying to Such Employe or a Member of His Family the Full Face Value of Such Order, et cetera., in Lawful Money, and Providing for the Collection of Such Tax."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, June 7, 1887.

**I** FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 34, entitled "An act taxing all orders, checks, dividers, coupon, pass books or other paper representing the wages or earnings of an employes not redeemed in thirty days by the person, firm, partnership, corporation or association issuing such orders, etc., by paying to such employe or member of his family the full face value of such order, etc., in lawful money, and providing for the collection of such tax."

If the provisions of this bill could by any possibility bring revenue into the coffers of the Commonwealth, or could by any possibility secure to those interested the enforcement of their rights denied them under ordinary circumstances, I would sign the bill without any hesitation whatever. The Legislature which has just adjourned, however, passed an Act providing for the payment of wages every two weeks. The universal custom has been to pay wages at least monthly. Every employe has it in his power, if his wages are not paid semi-monthly, to bring suit therefore immediately and thereby tax his employer by the imposition of costs very much more than is provided for in this Act. If



this provision does not enforce prompt and regular payment, it is quite certain that the provisions of the bill under consideration would have no effect whatever in that direction.

The bill itself, however, is open to grave objections on account of its structure and the impossibility of carrying into effect some of its provisions. It provides for instance—

“For taxing all orders not redeemed in thirty days by the person, firm, partnership, corporation or association issuing such orders, etc., and by paying to such employe or a member of his family the full face value of such order, etc., in lawful money.”

From the very nature of the case an order given to an employe upon a third person would pass out of his hands into the hands of the person upon whom it was drawn, and it would become, therefore, absolutely impossible to pay the money due to the person upon whom an order was drawn and in whose hands it passed to the employe of a member of his family. This provision of the bill is utterly unintelligible.

The second section of the act provides—

“That the Auditor General and State Treasurer, or an agent or attorney, appointed by them or either of them are hereby authorized and empowered to examine the books and papers of any person, firm, partnership, corporation or association whom they or either of them have reason to believe are taxable by this Act to determine whether such person, firm, partnership, corporation or association are taxable, and to verify the accuracy of any return made under the provision of this Act.”

A check for wages arbitrarily held by the person to whom it was given and not presented for payment might, under the provisions of this Act, justify a thorough examination and overhauling of the books and papers of any person engaged in any business necessi-

tating the employment of persons to whom wages would be payable. This might and undoubtedly would be used in an arbitrary way, to the great annoyance and oppression of employers. Rivals in trade or other persons interested in becoming acquainted with the private affairs of a person, firm, or corporation, could in this way very easily succeed in obtaining a perfect knowledge of all their business operations. If the provisions of the law already referred to requiring payment of wages every two weeks, or the general custom of employers throughout the State in paying monthly are complied with there can be no necessity for the provisions of this bill.

The amount to be paid upon the evidences of indebtedness which remain over at the end of a month is either a tax or a penalty. If a tax it is unconstitutional, because it does not tax equally all employers; if a penalty, the imposition of it is of such a summary and extraordinary character that it gives no opportunity for the person upon whom it is imposed to be heard in defence of his rights, in the regular way before the courts.

For these reasons my approval is withheld from the bill.

JAMES A. BEAVER.

Veto of "An Act to Provide for the Purchase of the House of Refuge, Situate at Twenty-second and Twenty-fourth and Parrish and Poplar Streets, in the City of Philadelphia."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 17, 1887.

I FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, House bill No. 130, entitled "An act to provide for the purchase of the House of Refuge, situate at 22d and 24th and Parrish and Poplar streets, in the city of Philadelphia," with my objections thereto.

So far as appears upon the face of this bill it simply provides for the purchase of the property of the House of Refuge, situate in the fifteenth ward of the city of Philadelphia, and the payment therefor by an appropriation of \$550,000. No public use to be made of this property is mentioned, nor is it known that any public use will be made of it. The managers of the House of Refuge desire to use the money in erecting a new institution of a similar character, but different construction, in the country. Their object is a most praiseworthy one, which the Commonwealth can well afford to aid in every proper way. Their institution, which has been most admirably conducted for years, and has been of incalculable advantage to the Commonwealth, is overcrowded. It is believed that reformation could be sooner reached in an institution where its inmates would have the benefit of country surroundings and be gathered into cottages resembling as nearly as possible a home. In such a movement all who have given careful study to the subject, and who are interested in the welfare of the class of children to be benefited thereby, must undoubtedly sympathize. With the object in view as partly expressed in the bill, and as more

fully explained by its friends, the Executive is in earnest accord. The mode in which it is to be carried out, however, seems to be open to very grave objections. The right of the Legislature to purchase real estate except for public use, which should be specified in the act providing for the purchase, is open to very grave doubt. It is alleged that this property could be used by the Commonwealth advantageously as a reformatory for first offenders, but if it is objectionable for the use to which it is now put it would be equally objectionable for the use to which it is proposed to put it. In addition to this, the reformatory now being completed at Huntingdon will afford ample accommodation for first offenders for years to come. It is desirable to remove penal institutions such as the House of Refuge, from the built-up portions of the city of Philadelphia, where they interfere with the streets and to a certain extent depreciate property in their neighborhood. Looking at it as a business proposition, which is, of course, the way in which the Executive is called to face it in dealing with it at present, it does not seem to be a desirable investment from any standpoint. The property has undoubtedly cost more than is asked for it. It is possible that it may sell in the open market for three fifths of the price named in the bill. It would, in my judgment, however, be infinitely better for the State to make an appropriation outright, of the difference between the price to be paid for it and its actual present market value, than to engage in a speculation of such doubtful character. The buildings have been erected for the care of children, and the cells built for their occupancy could not now be used without considerable change to accommodate grown persons. The House of Refuge has always been managed by men deeply impressed with the importance of the work which they had in hand, full of the philanthropic spirit, and devoted to the welfare of their

kind. They should be assisted in this work in every proper way. The present Executive is quite willing to co-operate with them in bringing about the object at which they aim in any way in his power; but the provisions of the present bill are of such doubtful practicability, so far as the use of the property is concerned after it shall have been vacated by its present inmates, that he is not able to see either the constitutionality or the wisdom of the proposed arrangement.

This conclusion has been reached with great reluctance, and the bill is the last one passed by the Legislature to be acted upon by the Executive—having been held by him in the hope that some other conclusion than the one herein stated could be reached. Unable to reach any other conclusion his approval is withheld.

JAMES A. BEAVER.

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Veto of "An Act to Make Provision for the Compilation, Printing, and Distribution of Information Relative to Powers and Franchises of Certain Corporations."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 17, 1887.

**I** FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, House bill No. 71, entitled "An act to make provision for the compilation, printing, and distribution of information relative to powers and franchises of certain corporations," with my objections thereto.

This bill provides for the preparation, under the direction of the Secretary of the Commonwealth, of a statement embracing information relative to private

corporations. The inquiry in relation thereto, if successfully prosecuted, would gather valuable information for a limited class in the community. It is not such information, however, as would be of general utility. It would be valuable principally to those who are abundantly able to pay for the information thus obtained. There is no reason, in my judgment, why the Commonwealth should provide information of this kind rather than that relating to any general subject interesting to any particular portion of the community. The legal profession and the corporations would undoubtedly receive some benefit from a publication, such as is proposed by this bill, if furnished for their use. It is a perfectly proper subject for inquiry and private enterprise. It is not such a subject, however, as in my judgment should be covered by appropriations made from the funds of the Commonwealth.

Aside from the general purpose of the act there is in it an element of uncertainty, such as is discountenanced by the terms of our Constitution. It is provided in it, that—

“The cost of preparing the same, exclusive of printing, paper, and binding, to be paid by the State Treasurer on the warrant of the Secretary of the Commonwealth” (shall) “not exceed the amount named by joint resolution, approved April twelfth, one thousand eight hundred and sixty-seven, providing for the revision of the tax laws of Pennsylvania.”

There does not seem to be any appropriation made by the bill to carry its provisions into effect.

Provision is made at the close of the bill for the sale of the remaining copies after a certain number have been distributed to the members of the House of Representatives, Senators, the State Library, and the Governor. This is not, in my judgment, desirable in a publication of this character. The Commonwealth should not engage in the publishing business, except

in rare cases, where the information to be given may be of a general character and inaccessible to the public at large. For these reasons my approval is withheld from the bill.

JAMES A. BEAVER.

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Veto of "An Act to Make an Appropriation to the Pennsylvania Working Home for Blind Men, for the Erection of Workshops;" and "An Act to Make an Appropriation to the Veterinary Hospital of the University of Pennsylvania, for the Establishment of a Veterinary Hospital."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, June 17, 1887.

I FILE HERewith, IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 293, entitled "An act to make an appropriation to the Working Home for Blind Men, for the erection of workshops," and House bill No. 679, entitled "An act making an appropriation to the veterinary hospital of the University of Pennsylvania, for the establishment of a veterinary hospital."

These bills both seek to make appropriations to worthy institutions in the city of Philadelphia for new buildings. Workshops for the Pennsylvania Working Home for Blind Men are greatly needed. The Executive has lately visited this home, and was deeply touched by what is there to be seen in the way of effort on the part of its inmates to do what they can in their own behalf. They greatly need enlarged accommodations and facilities for helping themselves. The State



would be justified, under ordinary circumstances, in rendering the assistance asked for. The school of veterinary surgery connected with the University of Pennsylvania is doing excellent work; the instruction therein is equal, if not superior, to that of any other institution of its kind in the country. The appropriation provided for in House bill No. 679 is solely for the erection, establishment and maintenance of a veterinary hospital, and not for building or other facilities immediately connected with the college of veterinary surgery. Such a hospital would probably afford facilities to students for practical instruction better than can now be afforded. It would only provide, however, a greater number of cases from which they could receive instruction, inasmuch as some hospital accommodations are already provided. Such a hospital should, it seems to me, maintain itself; but, however this may be, and however desirable the building and improvements contemplated in this bill might be under ordinary circumstances, it is very certain at the Commonwealth will not be in a financial condition at any time during the next two years to provide the funds for their erection.

My approval is therefore withheld from both bills.

JAMES A. BEAVER.

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Veto of "A Further Supplement to 'An Act Regulating Boroughs,' Authorizing Councils to Levy and Collect a License Tax."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, June 17, 1887.

I FILE HEREWITH, IN THE OFFICE OF THE  
Secretary of the Commonwealth, House bill No.  
149, entitled "A further supplement to an act,  
entitled 'An act regulating boroughs,' approved the

third day of April, Anno Domini one thousand eight hundred and fifty-one, authorizing councils to levy and collect a license tax," with my objections thereto.

The second section of this act provides that:—

"Any person or persons, firm or corporation, running or attempting to run such wagons, carts, drays, hawker or peddler wagon, hack, carriage, omnibus, or other vehicle, to be used as aforesaid, without first obtaining such license, or for charging more compensation than stipulated by such ordinance, shall be subject to such fine as the town councils may determine, not exceeding in any one case the sum of fifty dollars, such fine to be collected by attachment and sale of the horse or vehicle, or both, whether the person in charge of the horse and vehicle be the owner or not."

There are two grave objections, in my judgment, to this bill becoming a law. First, it commits to borough councils the right to enact by ordinance penal statutes. It is true, that a limit to such authority is placed in the bill, that the penalty shall in no case exceed the sum of \$50, but, it nevertheless, makes the penalty subject to the legislative authority of councils, and to that extent is objectionable.

The manner in which the penalty is to be imposed is also objectionable, on account of its summary character, viz:

"Such fine to be collected by attachment and sale of the horse or vehicle, or both, whether the person in charge of the horse and vehicle be the owner or not."

No provision is made for notice to the owner in any way. The property of an innocent person might be summarily disposed of through the ignorance or fraud of his employe without any opportunity to redeem it. The object of this bill is said to be to prevent frauds being perpetrated upon the public, but it seems to be more of an effort to secure revenue by taxation of cabs and other means of transportation, by the imposition

of the license tax provided for—which would, of course, be charged to the traveling public in addition to what they would already pay—than an effort to prevent imposition.

The objections referred to are of so grave a character that I am compelled to withhold my approval from the bill.

JAMES A. BEAVER

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Veto of "An Act to Protect Life and Property in Cities of the First and Second Classes, by Preventing the Crossing therein at Grade of Streets, roads and Highways by Steam Railroads, or of Steam Railroads by Streets, Roads or Highways."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 17, 1887.

I FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, Senate bill No. 177, entitled "An act to protect life and property in cities of the first and second classes by preventing the crossing therein at grade of streets, roads, and highways by steam railroads, or of steam railroads by streets, roads, or highways," with my objections thereto.

The title of this bill does not fairly represent its contents. It provides that in making crossing of streets by railroads the cost of crossing either above or below the grade shall, in certain instances, be paid by the railroad company, and in other instances shall be divided between the railroad company and the city in equal proportions. This would seem to be an unwarrantable interference with the control of city coun-

cils over the streets and alleys of the cities named in this bill. If the terms upon which railroads may cross streets and alleys are provided in this way, and the provision is binding, city councils could not make any provision contrary thereto. It is possible that the division of the cost of bridging or tunnelling streets provided in this bill may, in most instances, be equitable and just; but it seems to me that the whole subject can be better left in the hands of the city councils than provided for in the mode pointed out in this bill.

Believing that legislation relating to the streets of the city can be best enacted by its own legislative authority, and that it is wise to leave such legislation where it naturally belongs, my approval is withheld from this bill.

JAMES A. BEAVER.

Veto of "An Act Making an Appropriation to the Woman's Hospital of Philadelphia, for the Years One Thousand Eight Hundred and Eighty-seven and One Thousand Eight Hundred and Eighty-eight;" "An Act Making an Appropriation to the Mercy Hospital of Pittsburgh;" "An Act Making an Appropriation to the Rosine Home of Philadelphia;" "An Act Making an Appropriation to the Union Home for Old Ladies of the City of Philadelphia;" "An Act to Appropriate the Sum of Five Thousand Dollars to the Penn Asylum for Indigent Widows and Single Women;" "An Act Making an Appropriation to Saint Franciscus Hospital of Pittsburgh;" "An Act Making an Appropriation for Saint Christopher's Hospital for Children of Philadelphia;" "An Act Making Appropriations for the Convalescent Retreat of Glen Mills, Delaware County, Pennsylvania;" "An Act to Appropriate the Sum of Five Thousand Dollars to the Home of the Merciful Saviour for Crippled Children, Situate in the City of Philadelphia;" and "An Act Making an Appropriation to the St. Luke's Hospital of Bethlehem."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, June 17, 1887.

I FILE HEREWITH IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 246, entitled "An act making an appropriation to the Women's Hospital of Philadelphia for the years one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-eight;" House bill No. 299, entitled "An act making an appropriation for the Mercy Hospital of Pittsburgh;" House bill No. 332, entitled "An act making an appropriation to the Rosine Home of Phila-

delphia;" House bill No. 362, entitled "An act making an appropriation to the Union Home for Old Ladies of the city of Philadelphia for the years one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-eight, in conformity with the recommendation of the State Board of Charities;" House bill No. 405, entitled "An act to appropriate the sum of five thousand dollars to the Penn Asylum for Indigent Widows and Single Women;" House bill No. 535, entitled "An act making an appropriation to Saint Franciscus Hospital of Pittsburgh;" House bill No. 640, entitled "An act making an appropriation to Saint Christopher's Hospital for Children of Philadelphia;" House bill No. 646, entitled "An act making appropriations for the Convalescent's Retreat of Glenn Mills, Delaware county, Pennsylvania;" House bill No. 687, entitled "An act to appropriate the sum of five thousand dollars to the Home of the Merciful Saviour for Crippled Children, situate in the city of Philadelphia;" and House bill No. 840, entitled "An act making an appropriation to the St. Luke's Hospital of Bethlehem for the years one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-eight."

These ten bills severally seek to make appropriations to worthy charities, or institutions semi-charitable, in various parts of the Commonwealth. The institutions named therein, with the exception, perhaps, of the Convalescent's Retreat of Glenn Mills, Delaware county, may be said to be pure charities. Their affairs are managed and administered for the support of the aged, the relief of the suffering, the restraint of the wayward, or the care of children. They all appeal to our charitable impulses, commend themselves to our support, and demand our help. None of them, however, can at this time, in my judgment, receive State aid. Some of them are expressly forbidden aid

by the terms of the Constitution; some have failed to bring themselves within the law; some are sectarian institutions; some have not received the indorsement of the State Board of Charities—most of them seek appropriations to pay existing obligations in the way of mortgages, ground rents, &c., or to purchase additional grounds and erect new buildings.

In attempting to bring the expenditures of the Government within the limits of anticipated revenue for the next two years, the Executive has been governed by some general rules. One of these rules has been to withhold his approval from all charitable institutions seeking aid for the purpose of paying indebtedness which could be carried, or of purchasing additional grounds or building new buildings which could be dispensed with. It is possible that, if the treasury were in condition to meet the demands of these bills, at least five of them would receive Executive approval, as coming within constitutional and legal limitations. In endeavoring to adjust the expenditures to the revenues the dictates of the heart have been silenced by the stern mandate of absolute necessity. So far as sympathy and feeling govern the Executive, all of these bills would be gladly approved. The Constitution forbids some, legal formalities which have not been complied with forbid others, and the unbending decree of necessity forbids all. This is written with unfeigned regret, and because there is no escape from it.

My approval from all these bills is therefore withheld.

JAMES A. BEAVER.



Veto of Certain Items in "An Act to Provide for the Ordinary Expenses of the Executive, Judicial and Legislative Departments of the Commonwealth, Interest on the Public Debt, and for the Support of the Public Schools, for the Years Anno Domini One Thousand Eight Hundred and Eighty-seven and One Thousand Eight Hundred and Eighty-eight."

**A**PPROVED: THE 19TH DAY OF MAY, A. D. 1887, except as to section 29, which is disapproved.

By the provisions of section 15, article III, of the Constitution, "The General Appropriation Bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the Commonwealth, interest on the public debt, and for public schools." Section 29 of this bill is therefore inappropriately enacted in it, and cannot be approved, being in plain violation of the Constitution.

**JAMES A. BEAVER.**

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Veto of Certain Items in "An Act to Provide for the Erection of a Building for the State Library, Archives, Art Treasures and Geological Collections, and to Authorize Changes and Improvements in the Capitol Buildings and Executive Mansion, and Making Appropriations Therefor."

**A**PPROVED: THE 3D DAY OF JUNE, A. D. 1887, so far as relates to the item of fifteen thousand dollars for remodeling, heating, and ventilating the Executive Mansion, and disapproved as to all other items, for the reasons which are specifically set forth at length and filed herewith.

**JAMES A. BEAVER.**

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 3, 1887.

I FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth. House bill No. 543, entitled "An act to provide for the erection of a building for the State library, archives, art treasures, and geological collections, and to authorize changes and improvements in the Capitol building and Executive mansion, and making appropriations therefor," with my objections thereto.

"The objects of this bill and the provisions by which they are to be carried into effect meet my cordial approval. There is pressing necessity for improvement in the hall of the House of Representatives and for fire-proof accommodations for the library and art treasures of the Commonwealth. There is also necessity, more or less pressing, for increased room for the accumulated papers in the offices of the Secretary of the Commonwealth and Auditor General. To provide a hall for the House of Representatives it will be necessary to find new quarters for the officers occupying the second floor of that portion of the main Capitol building in which the hall is situated. There is not only no place to put these officers, but they are already greatly restricted in the quarters which they at present occupy. Several departments are required to join in the occupancy of the same office. Some of the permanent commissions of the State and one or two officers constantly on duty at the Capitol have no rooms. This bill seeks to remedy all the evils now existing, and to provide abundance of room for all departments and officers of the Government who may justly demand office accommodations. The main Capitol building is a solid, substantial structure, in as good condition in most respects as when it was erected; it is a fair example of

colonial architecture, and it has been lately overhauled and remodeled at an expense of some \$40,000.

"The library addition to said building, which also contains committee rooms for the use of the Senate and House of Representatives, is substantial and but lately erected. The building, with ordinary care, will serve the purposes of the Legislature for a century to come. The building occupied by the Secretary of Internal Affairs has been, within the last few years thoroughly remodeled and an extension added thereto at an expense of over \$50,000. The erection of one new building of moderate size and cost with a library building added thereto would provide all the accommodations needed for the executive branches of the Government for many years to come, and all this could be done within the limits of the amount appropriated by this bill, which is little more than the annual interest upon what would be expended in a new Capitol building, if the experiences of other States and some of our municipalities are any indication of what the expenditure would be.

"Cordially as I approve of this measure, however, which has been shown to be entirely practical by the plans prepared by competent architects, I am compelled to withhold my approval from the main items of the bill by reason of the uncertainty which exists as to the revenues of the Commonwealth for the next two years.

"Preparations having already been made, under the advice of the Board of Health, for the drainage of the Executive Mansion, and some work having already been done in connection with its improvement, the item which relates to it is approved because it is indivisible. With the exception of that item, I am compelled, for the reasons stated, to withhold my approval from the bill."

JAMES A. BEAVER.

Veto of Certain Items in "An Act to Provide for the Participation of the State of Pennsylvania in the National Celebration of the Centennial Anniversary of the Framing and Promulgation of the Federal Constitution, to be Held at Philadelphia, on the Fifteenth, Sixteenth and Seventeenth Days of September, One Thousand Eight Hundred and Eighty-seven, and to Make an Appropriation for the Purpose Thereof."

**A**PPROVED THE 3D DAY OF JUNE, A. D. 1887, except the item of twenty-five thousand dollars to be expended by the Governor and the Legislative Committee for the purpose of entertaining such guests from other State, and from this and other nations, as the Committee may invite, which is hereby disapproved, for the reason that the revenues of the Commonwealth will not justify so large an appropriation, and that there should be no divided responsibility in the expenditure of the money in connection with the celebration. The amount approved will amply cover all expenses which should be fairly borne by the Commonwealth.

JAMES A. BEAVER.

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Veto of Certain Items in "An Act Making Appropriations for the Support of the Pennsylvania Training School for Feeble-Minded Children, at Elwyn, Delaware County, and for the Erection of a Building for Epileptics."

**A**PPROVED: THE 3D DAY OF JUNE, A. D. 1887, except the item of fifty thousand dollars for the year 1887, to be used exclusively in the erection and completion and furnishing of a building for one

hundred and twenty feeble minded children afflicted with epilepsy, which is hereby disapproved. The retrenchment necessary in the conduct of the worthy charities of the State should not affect the ordinary running expenses thereof, but should be confined, as much as possible, to such items of expense as relate to new buildings, payment of mortgages, &c. Upon this principle, all the items for the proper conduct of this most worthy charity are approved.

JAMES A. BEAVER.

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Veto of Certain Items in "An Act Making an Appropriation for the Support of State Pupils in the Western Pennsylvania Institution for the Instruction of the Deaf and Dumb, and to Aid in the Erection of a Laundry and Kitchen."

**A**PPROVED: THE 3D DAY OF JUNE, A. D. 1887, except the item of six thousand five hundred ars for the erection of a laundry and kitchen, which is hereby disapproved because of the necessity for the closest economy in expenditures for the current year.

JAMES A. BEAVER.

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Veto of Certain Items in "An Act Making an Appropriation to the Lackawanna Hospital, in the City of Scranton."

**A**PPROVED: THE 3D DAY OF JUNE, A. D. 1887, except the item of twelve thousand dollars for completing and furnishing buildings, which is hereby disapproved because of the excess of appro-

priations over and above the anticipated revenues for the next two years.

JAMES A. BEAVER.

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Veto of Certain Items in "An Act Making an Appropriation for the Maintenance of the Allegheny General Hospital of Allegheny City, Allegheny County, State of Pennsylvania, and to Pay off the Mortgage Indebtedness on its Property."

**A**PPROVED: THE 3D DAY OF JUNE, A. D. 1887, except the item of twenty-five thousand dollars for paying off mortgage indebtedness, which is hereby disapproved because of the excess appropriations over and above the estimated revenues of the Commonwealth for the next two years.

JAMES A. BEAVER.

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Veto of Certain Items in "An Act Making an Appropriation for the Medico-Chirurgical Hospital of the City of Philadelphia."

**A**PPROVED: THE 3D DAY OF JUNE, A. D. 1887, except the item of twenty-five thousand dollars for the year 1888, which is hereby disapproved because of the excess of appropriations over and above the estimated revenues of the Commonwealth for the next two years.

JAMES A. BEAVER.

Veto of Certain Items in "An Act to Make an Appropriation to the Pennsylvania Industrial Home for Blind Women, for Maintenance and Completion of Building."

**A**PPROVED: THE 3D DAY OF JUNE, A. D. 1887, except the item of five thousand dollars for the completion of buildings, which is hereby disapproved because of the excess of appropriations over and above the estimated revenues of the Commonwealth for the next two years.

JAMES A. BEAVER.

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Veto of Certain Items in "An Act Making an Appropriation to the Homoeopathic Medical and Surgical Hospital and Dispensary of Pittsburgh."

**A**PPROVED: THE 3D DAY OF JUNE, A. D. 1887, except as to the item of fifteen thousand dollars for liquidating balance of indebtedness, which is hereby disapproved because of the great uncertainty as to the revenues of the Commonwealth, and of the impropriety of the practice of the State assuming and paying the indebtedness of private charitable institutions.

JAMES A. BEAVER.

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Veto of Certain Items in "An Act Making an Appropriation to the State Hospital for the Insane for the Southeastern District of Pennsylvania at Norristown."

**A**PPROVED: THE 3D DAY OF JUNE, A. D. 1887, except as to the item of twenty thousand dollars for additional furniture and equipments to the present hospital buildings which is disapproved, on



account of the uncertainty as to the revenue, and because the price paid at present for maintenance of patients should provide a fund for such purposes without the necessity for special appropriations.

JAMES A. BEAVER.

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Veto of Certain Items in "An Act Making an Appropriation to the Pennsylvania Oral School for Deaf Mutes."

**A**PPROVED: THE 4TH DAY OF JUNE, A. D. 1887, except the item of twenty thousand dollars for the erection and furnishing of a suitable building, &c., which is hereby disapproved, because of the great excess of appropriations over and above the anticipated revenues of the Commonwealth for the next two years.

JAMES A. BEAVER.

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Veto of Certain Items in "An Act Making an Appropriation to the Home for Colored Children, Located in the City of Allegheny, for Repairs, Payment of Debt and Supporting the Orphan and Friendless Colored Children of the Commonwealth."

**A**PPROVED: THE 4TH DAY OF JUNE, A. D. 1887, except the item of two thousand dollars for the expenses incurred and to be incurred in the repairing and furnishing of the home and three hundred and sixty-five dollars for erecting a fire-escape,

which are hereby severally disapproved because of the great excess of appropriations over and above the estimated revenues of the Commonwealth for the next two years.

JAMES A. BEAVER.

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Veto of Certain Items in "An Act Making an Appropriation for Salaries of Officers and Employes of the Pennsylvania Reform School at Morganza, Pennsylvania, and to Pay for Permanent Improvements, Work Shop, Machinery, Insurance, et cetera."

**A**PPROVED: THE 4TH DAY OF JUNE, A. D. 1887, except the items of fifteen thousand dollars for work-shop machinery, twenty thousand dollars for new family building, eight hundred dollars for the erection of silos, seven hundred dollars for engine and boiler for farm, and two thousand dollars for additional story on work-shop which is not to be used for a work-shop, which are hereby severally disapproved because the provisions attached to the items in some cases seem to neutralize the provisions to which they relate and because of the pressing necessity which exists for the closest economy, especially in the direction of new erections in State institutions.

JAMES A. BEAVER.

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Veto of Certain Items in "An Act Making an Appropriation to the Wilkes-Barre City Hospital."

**A**PPROVED: THE 4TH DAY OF JUNE, A. D. 1887, except the items of five thousand dollars for deficiencies for the years 1885 and 1886, three thousand dollars for improvements to grounds

and premises and two thousand dollars for furnishing, which are hereby disapproved because of the great excess of appropriations over and above the estimated revenues of the Commonwealth for the two years next ensuing.

JAMES A. BEAVER.

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Veto of Certain Items in "An Act Making an Appropriations for the State Hospital for Injured Persons of the Anthracite Coal Regions of Pennsylvania."

**A**PPROVED: THE 6TH DAY OF JUNE, A. D. 1887, except the items of five thousand dollars for grading, improving and planting the grounds; one thousand five hundred dollars for furniture, beds and bedding, and renewal of the same for the year commencing June first, Anno Domini one thousand eight hundred and eighty-seven; one thousand dollars for furniture, beds and bedding, and renewal of the same for the year commencing June first, one thousand eight hundred and eighty-eight; five thousand dollars for cementing the cellar floors, plastering the ceiling and walls of the same, and for necessary repairs to the building; five thousand and thirty-five dollars for improving and enlarging the east and west wings; one thousand dollars for horses, harness, vehicles, etc., and additional stabling; two thousand five hundred dollars for new dining-room, and for furniture for same for the use of patients; and two hundred and fifty dollars for the erection of lightning rods, which are severally disapproved because of the large excess of appropriations over and above the estimated revenues of the Commonwealth for the two years next ensuing, and because the other appropriations, amount-

ing in the aggregate to nearly eighty thousand dollars, will be amply sufficient to make all needed improvements in buildings, furniture, equipment, maintaining the hospital in good condition and providing for the inmates well, in accordance with the design of the institution.

The management and maintenance of this hospital seems to be very expensive for the work done and the number of patients assisted. There should be a most careful economy in the management of it, if it is to receive the consideration which it deserves at the hands of the Legislature and the Executive hereafter.

JAMES A. BEAVER.

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Veto of Certain Items in "An Act Making an Appropriation to the State Hospital for the Insane at Danville, for New Boilers, and for the Erection of Associate Dining Halls."

**A**PPROVED: THE 7TH DAY OF JUNE, A. D. 1887, except the item of twenty thousand dollars for the erection of associate dining halls and for the conversion of the small dining-rooms now in use into dormitories, which is hereby disapproved, because there is no immediate necessity for the change, and because of the anticipated want of revenue to meet the appropriations already made.

JAMES A. BEAVER.

Veto of Certain Items in "An Act Making an Appropriation for Salaries of Officers, Wages of Employes, for Maintenance of Patients and for Paying the Indebtedness of the Medical and Surgical Department of the Western Pennsylvania Hospital, at Pittsburgh."

**A**PPROVED: THE 7TH DAY OF JUNE, A. D. 1887, with the exception of the items of fifty-six thousand dollars to repay loan, and fifteen thousand dollars for the erection of fence and grading and other improvements, which are hereby severally disapproved, principally because of the great excess of appropriations over and above the estimated revenues of the Commonwealth for the next two years.

JAMES A. BEAVER.

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Veto of Certain Items in "An Act To appropriate Certain Moneys to the Hospital Department of the Hahnemann Medical College and Hospital of Philadelphia."

**A**PPROVED: THE 13TH DAY OF JUNE, A. D. 1887, to the extent of the sum of twenty-five thousand dollars to be paid out of the treasury during the year 1888, and disapproved as to the balance on account of the excess of appropriations over estimated revenues.

JAMES A. BEAVER.

Veto of Certain Items in "An Act Making an Appropriation for the Erection of Memorial Tablets or Monuments to Mark the Position of Pennsylvania Commands on the Battlefield of Gettysburg, July First, Second, and Third, One Thousand Eight Hundred and Sixty-three, and to the Gettysburg Battlefield Memorial Association for the Purchase of Land, and Maintaining and Keeping in Repair of Battlefield."

**A**PPROVED: THE 15TH DAY OF JUNE, A. D. 1887, except the appropriation ten thousand dollars to the Gettysburg Battle-field Memorial Association for the purchase of land and maintaining and keeping in repair of battle-field, which is hereby disapproved, for the reason that it should have been embraced in a separate bill—if a proper subject of appropriation by the Legislature. It is a separate and distinct appropriation to a separate and distinct association for a separate and distinct object and does not relate in any way to the main purpose of the bill.

JAMES A. BEAVER.

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Proclamation of a Day of Thanksgiving. 1887.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, October 31st, 1887.



**I**N THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By JAMES A. BEAVER, Governor of the said Commonwealth.

A PROCLAMATION.

The President of the United States having designated by public proclamation Thursday, the twenty-

fourth day of November next, as a day of general thanksgiving, to be observed by the people of the United States, I do cordially recommend the people of this Commonwealth to assemble in their respective places of worship on the day aforementioned, to render hearty and united thanks to Almighty God for the goodness and mercy which have been vouchsafed by Him to us, as a people, during the past year.



In testimony whereof I have hereunto set my hand and caused the Great Seal of the State to be affixed, this thirty-first day of October, in the year of our Lord one thousand eight hundred and eighty-seven, and of the Commonwealth the one hundred and twelfth.

JAMES A. BEAVER.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

Proclamation of the Election of Henry W. Williams  
as a Judge of the Supreme Court.

Pennsylvania, ss:



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. JAMES A. BEAVER, Governor of the said Commonwealth.

#### A PROCLAMATION.

Whereas, It is provided in and by an Act of the General Assembly of this Commonwealth entitled "An Act to provide for the election of Judges of the several courts of this Commonwealth and to regulate certain Judicial Districts" approved the 15th day of April A. D. 1851, that the Secretary of the Common-



wealth shall cause the returns made to him of an Election for Judge of the Supreme Court to be opened and the votes cast for the persons voted for to fill said office to be accurately computed and that the Governor shall forthwith issue his Proclamation declaring the person voted for, for Judge of the Supreme Court who has received the greatest number of votes, to be duly elected

And Whereas the Secretary of the Commonwealth has caused the returns of the late General Election for Judge of the Supreme Court to be opened and the votes cast to be accurately computed, whereupon it appeared that Henry W. Williams received the greatest number of votes of the persons voted for to fill the said office of Judge of the Supreme Court

Now Therefore, in conformity with provisions of the aforesaid Act of the General Assembly I, James A. Beaver, Governor as aforesaid do issue this my Proclamation, hereby publishing and declaring that of the persons voted for for Judge of the Supreme Court of this Commonwealth at the last General election held on the eighth day of November A. D. 1887. Henry Williams received the greatest number of votes, and is duly elected a Judge of the Supreme Court of this Commonwealth.



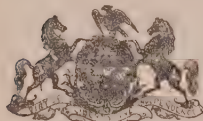
Given under my Hand and the Great Seal of the State at Harrisburg this twenty Second day of November in the year of our Lord one thousand eight hundred and eighty seven and of the Commonwealth the one hundred and twelfth

JAMES A. BEAVER,  
Governor.

By the Governor,  
Charles W. Stone,  
Secretary of the Commonwealth.

Proclamation Declaring Measures to Stamp Out an  
Epidemic of Pleuro-Pneumonia in a Certain Por-  
tion of the State.

Pennsylvania, ss:



**I**N THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania. JAMES A.  
BEAVER, Governor of the said Com-  
monwealth.

To all to whom these Presents shall Come, sends Greet-  
ing:

A PROCLAMATION.



Whereas, By the provisions of the Act of General Assembly of Pennsylvania, entitled "An Act to prevent the spread of contagious or infectious pleuro-pneumonia among cattle in this State," approved the first day of May, Anno Domini, One thousand eight hundred and seventy-nine, it is made the duty of the Governor to promptly suppress the disease known as contagious or infectious pleuro-pneumonia, whenever it shall be brought to his notice that the said disease exists among the cattle in any of the counties in this State; And Whereas, The Existence of the said disease among cattle within the district herein after defined, has been brought to my notice, and the necessity for prompt measures has also been made known to me through the proceedings certified to me of a meeting of the Veterinary Surgeons of Philadelphia, and from reports of Francis Bridge, V. S. State Veterinarian, and Thomas J. Edge Special Agent of the Governor under said act of 1879, and Whereas, The proper authorities of the States of New York, Maryland and New Jersey have taken action with reference to checking the spread of said disease; And Whereas, The proper authority of

the Government of the United States is taking measures for the investigation, suppression and extirpation of said disease among neat cattle in the cities of New York, Baltimore and Philadelphia, Now Therefore, I, James A. Beaver, Governor as aforesaid, in compliance with the provisions of the above recited Act of the General Assembly, do declare the following regulations to be in force, from and after the ninth day of April, Anno Domini, One thousand eight hundred and eighty-eight, in that part of the Commonwealth within the limits of a curved line having a radius of eight miles from the new City Hall of Philadelphia, and extending from a point on the Delaware river northerly of said City Hall, to a point on the Delaware river southerly from said City Hall.

1. Medical and Veterinary practitioners with the title of Veterinary Inspector and such other persons as may be necessary with the title of Assistant Inspector will be appointed with authority to visit, inspect, register and tag all cattle within the said district, to inspect, appraise and slaughter such cattle as may be found to be infected with contagious pleuropneumonia, and such as may have been exposed to the danger of such infection, and generally to enforce these regulations. 2. All cattle within the said district shall be tagged, numbered and registered by the proper officers, and all persons will be accountable for such cattle, dead or alive as are registered to them and all such persons are required to report to the proper Veterinary Inspector all cases of sickness and all births and deaths among such cattle. 3. All persons having cattle in possession within the said District are hereby required to retain such cattle securely on the premises where they now are, and not to remove them, without a special permit from the proper Veterinary Inspector. 4. All cattle within the said district excepting cattle actually in through transit on

railroads, boats or other means of transportation, shall be kept off all highways or unfenced places unless in charge of some person having special permit, executed by the proper Veterinary Inspector identifying the cattle, naming the owners, specifying the date or dates on which they may be moved, and stating the places whence they came and their destination.

5. Butchers are prohibited from receiving any cattle from within the said district unless such cattle are removed under the permit above mentioned, and also from killing any animal received with such permit, except in the presence of a Veterinary Inspector, who shall examine the animal and note the description of the same from such permit. 6. Persons owning or operating rendering works are prohibited from receiving any cattle from within the above described district for slaughter or any dead cattle, without a permit from a Veterinary Inspector, and from skinning, or removing the tags from such animal except in the presence of such Inspector, who shall examine the said animal and note the description of the same from the permit. 7. Thomas J. Edge is hereby authorized and deputed to sub district the territory above described, to assign the various appointees hereunder to their respective duties, and generally to supervise the execution and enforcement of these regulations.

Given under my Hand and the Great Seal of the State at Harrisburg this Twenty first day of March in the year of our Lord one thousand eight hundred and eighty eight and of the Commonwealth the one hundred and twelfth.

JAMES A. BEAVER,  
Governor.

By the Governor.

Charles W. Stone,

Secretary of the Commonwealth.

## Arbor Day Proclamation. 1888.



IN THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania.

Whereas, By a Concurrent Resolution of the General Assembly of the Commonwealth of Pennsylvania, approved the 30th day of March, A. D. 1887, the Governor of the Commonwealth was requested to appoint annually a day to be designated as Arbor Day in Pennsylvania, and to recommend by proclamation to the people on the days named the planting of trees and shrubbery in the public school grounds and along the public highways throughout the State; and

Whereas, The observance of Arbor Day heretofore has been found to be productive of much practical good; therefore,

I, James A. Beaver, Governor of the said Commonwealth, have appointed and designated, and do hereby appoint and designate, Friday, the 27th day of April, A. D. 1888, to be observed as Arbor Day throughout the said Commonwealth. Not only should trees and shrubbery be planted in the public school grounds and along the public highways throughout the State, but increased attention should be given to the planting of trees wherever they can be properly cultivated. Thousands of acres of farm lands otherwise unproductive can be turned to profitable account, by the cultivation of timber, nut, and fruit-bearing trees. The subject should receive the careful and considerate attention of all who are interested in the prosperity of the Commonwealth, and in a remunerative return for money invested in and the labor expended upon their lands. The observance of the day should not be confined to literary exercises in, and tree-planting by, our public schools. It is a subject which demands and should

receive the thoughtful attention and careful consideration of all our people. The general observance of the day should result in the planting of large numbers of trees, not only for shade and ornament, but for practical uses and profitable return in the future. The incidental advantages which will result to the community are great and varied. The necessity for increased attention to the general subject of forestry is becoming more and more apparent. There should be not only an increased attention to the dissemination of knowledge upon the subject, but a great increase in the number of trees actually planted. If the grounds surrounding our school houses are filled with trees and shrubs, let the scholars secure permission from the owners of lands along the highways to plant trees in such a way as to be protected from injury, and at the same time afford beauty and shade to the passer-by.

Parents and children, and citizens generally, are recommended to join in the observance of this day, and to seek opportunities and avenues for extending its influence and beneficent results. If the day should not be sufficient for the accomplishing of all that is wished, let the work be continued on the following day; and if for any reason it should be found impracticable to observe the day fixed as Arbor Day, let the community choose some other day which will be more suitable for the locality.



Given under my hand and the Great Seal of the Commonwealth at Harrisburg, the twenty-first day of March, in the year of our Lord one thousand eight hundred and eighty-eight, and of the Commonwealth the one hundred and twelfth.

JAMES A. BEAVER.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.



Proclamation of the Election of William B. Hart as  
State Treasurer.

Pennsylvania, ss:



I N THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania. JAMES A.  
BEAVER, Governor of the said Com-

monwealth.

To all to whom these Presents shall Come, sends Greeting:

A PROCLAMATION.



Whereas, An Act of the General Assembly of this Commonwealth, entitled "An Act to provide for the receiving, opening and publishing of the returns of the Election for State Treasurer and of Auditor General when elected at the same election," approved the ninth day of May Anno Domini one thousand eight hundred and seventy nine, provides, that whenever the Legislature shall not be assembled, and a State Treasurer or Auditor General shall have been elected at the preceding annual election, the Governor, the President Judge of the Twelfth Judicial district, the President pro tempore of the Senate, the Speaker of the House of Representatives, four members of the Senate and six members of the House of Representatives, shall meet in the Senate Chamber, at Harrisburg, at twelve o'clock noon, on the Third Tuesday of January succeeding each election of a State Treasurer, or Auditor General, and they or a majority of them, being so convened, shall proceed to open, compute and publish the returns of the Election for State Treasurer and Auditor General, and shall file in the office of the Secretary of the Commonwealth a certificate, signed by each of them, setting forth the aggregate number of votes received



by each person voted for at such election; the Governor shall within ten days thereafter, declare by proclamation the name of the person elected to each of said offices.

And Whereas, the persons composing the Commission to open, compute and publish the returns of the late General Election for State Treasurer have filed in the office of the Secretary of the Commonwealth the Certificate provided for in the above recited Act of the General Assembly showing that William B. Hart received the greatest number of votes of the persons voted for at said election to fill the office of State Treasurer.

Now therefore, I, James A. Beaver, Governor as aforesaid, in conformity with the provisions of the aforesaid Act of the General Assembly, do issue this my Proclamation, hereby declaring that William B. Hart was elected to the office of State Treasurer, at the General Election held on the eighth day of November, Anno Domini one thousand eight hundred and eighty seven, he having received the greatest number of votes of the persons voted for to fill said office of State Treasurer, at said election.

Given under my hand and the Great Seal of the State, at Harrisburg, this nineteenth day of January in the year of our Lord one thousand eight hundred and eighty eight, and of the Commonwealth the one hundred and twelfth.

JAMES A. BEAVER,  
Governor.

By the Governor

Charles W. Stone

Secretary of the Commonwealth.

Proclamation of a Day of Thanksgiving. 1888.



IN THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania.

A PROCLAMATION.

Our pastures have been clothed with flocks; our valleys also have been covered over with corn.

The husbandman has gathered his crops and his barns are filled with plenty.

Labor has found employment and enjoyed in fair degree its just rewards.

Our manufactures have been reasonably maintained, and the busy wheels of commerce have been fully employed.

Pestilence has been a stranger to us and no serious epidemic has devastated our borders.

Surely God hath crowned the year with His goodness, and His paths have dropped fatness. His bounty demands our praise and His unmerited goodness calls for thanksgiving. Let us, therefore, in devout acknowledgment of His unnumbered benefits, come together in our accustomed places of worship and about the hearth-stones of the family, as recommended by the President of the United States, on Thursday the twenty-ninth day of November instant, to render thanks for the blessings which we have received, and to invoke the continuance of the divine favor for the time to come.

Let the day be one of gladness. Let us refrain from our ordinary avocations and employments and spend the time in the religious and social enjoyments which befit the occasion, and which whilst they honor God bring comfort and enjoyment to ourselves.

The people of our goodly Commonwealth are no strangers to the observance of this day; let the excep-

tional plenty of the year lead to more universal praise and thanksgiving.

Let us also show our thankfulness by our charity, and let not the ministrations of the day find full measure until some act of kindness has brought cheer to a sorrowing heart, or a smile to a care-worn face.



In testimony whereof I have hereunto set my hand and caused the Great Seal of the State to be affixed, this fifteenth day of November, in the year of our Lord one thousand eight hundred and eighty-eight, and of the Commonwealth the one hundred and thirteenth.

JAMES A. BEAVER.

By the Governor.

Charles W. Stone,

Secretary of the Commonwealth.

Proclamation of the Election of Representatives of Pennsylvania in the United States Congress. 1888.

Pennsylvania, ss:

James A. Beaver.



commonwealth.

IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. JAMES A. BEAVER, Governor of the said Com-

## A PROCLAMATION.



Whereas, In and by an act of the General Assembly, entitled "An Act relating to the elections of this Commonwealth" approved the second day of July, Anno Domini one thousand eight hundred and thirty nine, it is made the duty of the Governor, on receipt of the returns of the election of Members of the House of Representatives of the United States by the Secretary of the Commonwealth, to declare by proclamation the names of the persons returned as elected in the respective districts:

And Whereas, The returns of the General Election held on Tuesday the sixth day of November Ann Domini 1888 for Representatives of the people of this State in the House of Representatives of the United States for the term of two years from the fourth day of March next, have been received at the office of the Secretary of the Commonwealth, agreeably to the provisions of the above recited Act of the General Assembly, whereby it appears that,

In the First District, composed of the First, Second, Seventh, Twenty-sixth and Thirtieth wards of the City of Philadelphia Henry H. Bingham has been duly elected.

In the Second District, composed of the Eighth, Ninth, Tenth, Thirteenth, Fourteenth and Twentieth wards of the city of Philadelphia, Charles O'Neill has been duly elected.

In the Third District, composed of the Third, Fourth, Fifth, Sixth, Eleventh, Twelfth, Sixteenth and Seventeenth wards of the City of Philadelphia Samuel J. Randall has been duly elected.

In the Fourth District, composed of the Fifteenth, Twenty-first, Twenty-fourth, Twenty-seventh, Twenty-

eighth and Twenty-ninth wards of the City of Philadelphia William D. Kelley has been duly elected.

In the Fifth District, composed of the Eighteenth, Nineteenth, Twenty Second, Twenty-Third, Twenty-Fifth and Thirty first wards of the City of Philadelphia Alfred C. Harmer has been duly elected.

In the Sixth District, composed of the Counties of Chester and Delaware Smedley Darlington has been duly elected.

In the Seventh District, composed of the Counties of Montgomery and Bucks Robert M. Yardley has been duly elected.

In the Eighth District, composed of the Counties of Northampton, Monroe, Pike and Carbon William Mutchler has been duly elected.

In the Ninth District, composed of the Counties of Berks and Lehigh David B. Brunner has been duly elected.

In the Tenth District, composed of the County of Lancaster Marriott Brosius has been duly elected.

In the Eleventh District, composed of the County of Lackawanna Joseph A. Scranton has been duly elected.

In the Twelfth District, composed of the county of Luzerne Edwin S. Osborne has been duly elected.

In the Thirteenth District, composed of the county of Schuylkill James B. Reilly has been duly elected.

In the Fourteenth District, composed of the Counties of Lebanon, Dauphin and Perry John W. Rife has been duly elected.

In the Fifteenth District, composed of the Counties of Bradford, Susquehanna, Wayne and Wyoming Myron B. Wright has been duly elected.

In the Sixteenth District, composed of the Counties of Tioga, Potter, Lycoming and Clinton Henry C. McCormick has been duly elected.

In the Seventeenth District, composed of the Counties of Northumberland, Columbia, Montour and Sullivan Charles R. Buckalew has been duly elected.

In the Eighteenth District, composed of of the Counties of Franklin, Fulton, Huntingdon, Mifflin, Juniata, Snyder and Union Lewis E. Atkinson has been duly elected.

In the Nineteenth District, composed of the Counties of Cumberland, Adams and York Levi Maish has been duly elected.

In the Twentieth District, composed of the Counties of Columbia, Blair, Somerset and Bedford Edward Scull has been duly elected.

In the Twenty First District, composed of the Counties of Westmoreland, Armstrong, Indiana and Jefferson Samuel A. Craig has been duly elected.

In the Twenty Second District, composed of the city of Pittsburg and all townships and boroughs lying between the Monongahela and Allegheny Rivers, except the borough of McKeesport and the boroughs and townships lying between the Youghiogheny and Monongahela rivers in the County of Allegheny, John A. Dalzell has been duly elected.

In the Twenty Third District, composed of the City of Allegheny and all the Townships and boroughs lying north of the Allegheny and Ohio rivers in the County of Allegheny Thomas M. Bayne has been duly elected.

In the Twenty Fourth District, composed of the Counties of Fayette, Greene and Washington and all boroughs and townships lying South of Monongahela and Ohio rivers and the boroughs and townships lying between the Youghiogheny and Monongahela rivers and the borough of McKeesport in the County of Allegheny Joseph W. Ray has been duly elected.

In the Twenty Fifth District, composed of the Counties Beaver, Lawrence, Mercer and Butler Charles C. Townsend has been duly elected.

In the Twenty-Sixth District, composed of the Coun-

ties of Crawford and Erie W. C. Culbertson has been duly elected.

In the Twenty Seventh District, composed of the Counties of Venango, Warren, McKean and Cameron Lewis F. Watson has been duly elected.

In the Twenty Eighth District, composed of the Counties of Clarion, Forest, Elk, Clearfield and Centre James Kerr has been duly elected.

Now Therefore, I, James A. Beaver, Governor as aforesaid, do issue this my proclamation, hereby publishing and declaring that Henry H. Bingham, Charles O'Neill, Samuel J. Randall, William D. Kelley, Alfred C. Harmer, Smedley Darlington, Robert M. Yardley, William Mutchler, David B. Brunner, Marriott Brosius, Joseph A. Scranton, Edwin S. Osborne, James B. Reilly, John W. Rife, Myron B. Wright, Henry C. McCormick, Charles R. Buckalew, Louis E. Atkinson, Levi Maish, Edward Scull, Samuel A. Craig, John Dalzell, Thomas M. Bayne, Joseph W. Ray, Charles C. Townsend, W. C. Culbertson, Lewis F. Watson and James Kerr have been returned as duly elected in the several districts before mentioned as representatives of the people of this State in the House of Representatives of the United States for the term of two years from the fourth day of March next.

Given under my Hand and the Great Seal of the State at Harrisburg this twenty first day of November in the year of our Lord one thousand eight hundred and eighty eight and of the Commonwealth the one hundred and thirteenth.

JAMES A. BEAVER.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.



Proclamation of the Number of Votes Cast for Each  
Candidate for Presidential Elector. 1888.

Pennsylvania, ss:



**I**N THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania. JAMES A.  
BEAVER, Governor of the said Com-  
monwealth.

Pursuant to the laws of the United States, I, James A. Beaver, Governor of the State of Pennsylvania, do hereby certify that, by an act of the General Assembly of said state entitled "An Act relating to the elections of this Commonwealth" approved the second day of July A. D. 1839, it is made the duty of the Secretary of the Commonwealth, on receiving the returns of the election of the Electors of the President and Vice President of the United States, to lay them before the Governor who shall enumerate and ascertain the number of votes given for each person voted for. And it appears from the returns so laid before me by the Secretary of the Commonwealth, that at an election for that purpose held on the Tuesday next following the first Monday in November, being the sixth day of November A. D. 1888

Thomas Dolan had Five hundred and twenty-six thousand and ninety one votes, . . . . .	526,091
Lewis Pugh had Five hundred and twenty six thousand two hundred and fifty eight votes, . . . . .	526,258
John H. Taggart had Five hundred and twenty six thousand two hundred and thirteen votes, . . . . .	526,213
John Wanamaker had Five hundred and twenty five thousand seven hundred and eighty nine votes, . . . . .	525,789
Hibbert P. John had Five hundred and twenty six thousand two hundred and fifty seven votes, . . . . .	526,257

Wm. C. Hamilton had five hundred and twenty six thousand two hundred and forty one votes, .....	526,241
John S. McKinlay had Five hundred and twenty six thousand two hundred and six votes, .....	526,206
Joseph R. T. Coates had Five hundred and twenty six thousand two hundred and forty three votes, .....	526,243
William S. Ellis had Five hundred and twenty six thousand two hundred and thirty nine votes, .....	526,239
Edgar Pinchot had Five hundred and twenty six thousand two hundred and thirty two votes, .....	526,232
Samuel L. Kurtz had Five hundred and twenty six thousand two hundred and forty two votes, .....	526,242
Ellwood Griest had Five hundred and twenty six thousand one hundred and forty eight votes, .....	526,148
Ezra H. Ripple had Five hundred and twenty six thousand two hundred and sixty nine votes, .....	526,269
Wm. G. Payne had Five hundred and twenty six thousand two hundred and thirty six votes, .....	526,236
Peter E. Buck had Five hundred and twenty six thousand two hundred and thirty nine votes, .....	526,239
Henry H. Bechtel had Five hundred and twenty six thousand two hundred and fifty three votes, .....	526,253
John H. Grant had Five hundred and twenty six thousand two hundred and forty votes, .....	526,240
Wilson C. Kuss had Five hundred and twenty six thousand two hundred and fifty votes .....	526,250
Thomas Beaver had Five hundred and twenty	

six thousand one hundred and ninety five votes, .....	526,195
George G. Hutchison had Five hundred and twenty six thousand two hundred and twenty nine votes, .....	526,229
John C. Lower had Five hundred and twenty six thousand two hundred and thirty seven votes, .....	526,237
Jeremiah K. Miller had Five hundred and twenty six thousand two hundred and forty two votes, .....	526,242
George J. Elliott had Five hundred and twenty six thousand one hundred and ninety one votes, .....	526,191
Henry S. Paul had Five hundred and twenty six thousand two hundred and thirty eight votes, .....	526,238
George Shiras Jr. had Five hundred and twenty six thousand two hundred and thirty seven votes, .....	526,237
Porter S. Newmeyer had Five hundred and twenty six thousand two hundred and forty votes, .....	526,240
John W. Wallace had Five hundred and twenty six thousand two hundred and thirty six votes, .....	526,236
John C. Sturtevant had Five hundred and twenty six thousand two hundred and thirty two votes, .....	526,232
Joseph Thos. Jones had Five hundred and twenty six thousand two hundred and thirty one votes, .....	526,231
L. M. Truxal had Five hundred and twenty six thousand one hundred and fifty three votes, .....	526,153
Robert Milton Speer had Four hundred and forty six thousand six hundred and thirty three votes, .....	446,633

Anthony F. Keating had Four hundred and forty-five thousand six hundred and nineteen votes, .....	445,619
David W. Sellers had Four hundred and forty six thousand six hundred and sixty seven votes, .....	446,667
Michael Magee had four hundred and forty six thousand six hundred and fifty six votes, ..	446,656
Albert H. Ladner had Four hundred and forty six thousand six hundred and fifty four votes, .....	446,654
William J. Latta had Four hundred and forty seven thousand and four votes, .....	447,004
William Redwood Wright had Four hundred and forty six thousand six hundred and fifty votes, .....	446,650
Franklin Walden had Four hundred and forty six thousand six hundred and sixty seven votes, .....	446,667
George Waters Pawling had Four hundred and forty four thousand and twenty two votes, .....	444,022
James Smith had four hundred and forty six thousand six hundred and fifty six votes, ..	446,656
Daniel H. Schweyer had four hundred and forty six thousand six hundred and seventy five votes, .....	446,675
William B. Given had Four hundred and forty six thousand six hundred and sixty three votes, .....	446,663
Abraham H. Vandling had Four hundred and forty six thousand five hundred and forty one votes, .....	446,541
John B. Reynolds had Four hundred and forty six thousand six hundred and sixty one votes, .....	446,661
Edward J. Gaynor had Four hundred and	

forty six thousand six hundred and fifty four votes, .....	446,654
Simon R. Light had Four hundred and forty six thousand six hundred and sixty four votes, .....	446,664
Alvin Day had Four hundred and forty six thousand six hundred and seventy votes, .....	446,670
William Dent had Four hundred and forty six thousand six hundred and seventy votes, ...	446,670
Russell Karns had Four hundred and twenty two thousand one hundred and eight votes, .....	422,108
Henry H. Woodal had Four hundred and forty six thousand six hundred and one votes, ..	446,601
John Herman Bosler had Four hundred and forty six thousand seven hundred and eight votes, .....	446,708
William A. Garman had Four hundred and forty six thousand six hundred and eighty two votes, .....	446,682
William Maher had Four hundred and forty six thousand six hundred and eighty six votes, .....	446,686
John H. Bailey had Four hundred and forty six thousand six hundred and eighty eight votes, .....	446,688
John Huckstein had Four hundred and forty six thousand six hundred and eighteen votes, .....	446,618
Robert Anderson McConnell had Four hundred and forty six thousand six hundred and thirty votes, .....	446,630
David S. Morris had Four hundred and forty six thousand six hundred and eighty nine votes, .....	446,689
James Henry Caldwell had Four hundred and forty six thousand seven hundred votes, ...	446,700
Samuel Tait Neil had Four hundred and forty six thousand six hundred and ninety four votes, .....	446,694

Jefferson Luther Brown had Four hundred and forty six thousand six hundred and ten votes, .....	446,610
Emmet D. Nichols had Twenty thousand nine hundred and forty seven votes, .....	20,947
W. V. Bacon had Twenty thousand nine hundred and fifty three votes, .....	20,953
D. Thomas Hickman had Twenty thousand nine hundred and fifty three votes, .....	20,953
Godfrey Stringer had Twenty thousand nine hundred and fifty three votes, .....	20,953
Samuel J. Brown had Twenty thousand nine hundred and fifty three votes, .....	20,953
Marvin M. Eavenson had Twenty thousand nine hundred and fifty three votes, .....	20,953
Samuel Wunder Jr. had Twenty thousand nine hundred and fifty three votes, .....	20,953
George B. Passmort had Twenty thousand nine hundred and fifty three votes, .....	20,953
Samuel C. Case had Twenty thousand nine hundred and fifty four votes, .....	20,954
Alfred F. Beige had Twenty thousand nine hundred and fifty three votes, .....	20,953
George V. Snyder had Twenty thousand nine hundred and fifty three votes, .....	20,953
Ezra Reist had Twenty thousand nine hundred and fifty five votes, .....	20,955
Samuel W. Edgar had Twenty thousand nine hundred and fifty three votes, .....	20,953
David C. Jeremy had Twenty thousand nine hundred and fifty four votes, .....	20,954
Samuel G. M. Hollopeter had Twenty thousand nine hundred and fifty three votes, ..	20,953
Jacob H. Santo had Twenty thousand nine hundred and fifty six votes, .....	20,956

William C. Tilden had Twenty thousand nine hundred and fifty four votes, .....	20,954
Seymour J. Noble had Twenty thousand nine hundred and fifty three votes, .....	20,953
John B. Patton had Twenty thousand nine hundred and fifty three votes, .....	20,953
Alexander R. Miller had Twenty thousand nine hundred and fifty three votes, .....	20,953
J. Calvin Rummell had Twenty thousand nine hundred and fifty four votes, .....	20,954
Abraham A. Barker had Twenty thousand nine hundred and fifty three votes, .....	20,953
Andrew W. Wilson sr. had Twenty thousand nine hundred and sixty six votes, .....	20,966
Thos. P. Hershberger had Twenty thousand nine hundred and fifty three votes, .....	20,953
John A. McConnell had Twenty thousand nine hundred and fifty two votes, .....	20,952
Alfred B. Miller had Twenty thousand nine hundred and fifty four votes, .....	20,954
James W. Orr had Twenty thousand nine hundred and fifty three votes, .....	20,953
William T. Everson had Twenty thousand nine hundred and fifty three votes, .....	20,953
Charles W. Miller had Twenty thousand nine hundred and fifty three votes, .....	20,953
F. Potts Green had Twenty thousand nine hundred and forty seven votes, .....	20,947
Jacob Creps had Three thousand eight hundred and seventy-three votes, .....	3,873
Charles W. Hooker had Three thousand eight hundred and seventy four votes, .....	3,874
John O. Exley had Three thousand eight hundred and seventy six votes, .....	3,876
Joseph Bohrer had Three thousand eight hundred and seventy six votes, .....	3,876
Frank Buob had Three thousand eight hundred and seventy six votes, .....	3,876



Edwin F. Skerrett had Three thousand eight hundred and seventy six votes, .....	3,876
Jesse Barnes had Three thousand eight hundred and seventy six votes, .....	3,876
Rolla P. Kimball had Three thousand eight hundred and seventy six votes, .....	3,876
Augustus Skean had Three thousand eight hundred and thirty six votes, .....	3,836
Jeremiah F. Werner had Three thousand eight hundred and thirty six votes, .....	3,836
George McGowan had Three thousand eight hundred and thirty six votes, .....	3,836
John Evans had Three thousand eight hundred and seventy six votes, .....	3,876
Theodore P. Rynder had Three thousand eight hundred and seventy six votes, .....	3,876
T. S. Laird had Three thousand eight hundred and seventy six votes, .....	3,876
H. H. McGuinness had Three thousand eight hundred and seventy six votes, .....	3,876
Adam Behney had Three thousand eight hundred and seventy six votes, .....	3,876
Charles Teeter had Three thousand eight hundred and seventy six votes, .....	3,876
R. D. Horton had Three thousand eight hundred and seventy six votes, .....	3,876
Victor A. Lotier had Three thousand eight hundred and seventy six votes, .....	3,876
Daniel Brode had Three thousand eight hundred and thirty six votes, .....	3,836
Abram L. Line had Three thousand eight hundred and forty four votes, .....	3,844
John K. Ray had Three thousand eight hundred and fifty seven votes, .....	3,857
L. F. Armburst had Three thousand eight hundred and seventy six votes, .....	3,876
George F. Snowden had Three thousand eight hundred and seventy six votes, .....	3,876

John Binkman had Three thousand eight hundred and seventy six votes, .....	3,876
J. T. L. Hare had Three thousand eight hundred and seventy six votes, .....	3,876
Thomas Greenfield had Three thousand eight hundred and thirty nine votes, .....	3,839
D. G. Spaulding had Three thousand eight hundred and thirty six votes, .....	3,836
John M. Smith had Three thousand eight hundred and thirty six votes, .....	3,836
Hiland R. Radebach had Three thousand eight hundred and seventy five votes, .....	3,875
James S. Negley had twenty four votes, .....	24
Henry J. Deily had Twenty four votes, .....	24
Edwin E. Snyder had Twenty four votes, ....	24
George W. Killian had Twenty four votes, ..	24
Isaac Swope had Twenty four votes, .....	24
Abner McMichael had Twenty four votes, ...	24
William T. Wylie had Twenty four votes, ...	24
Edwin S. Partruff had Twenty four votes, ...	24
John Stauffer had Twenty four votes, .....	24
J. Frank Peterson had Twenty four votes, ..	24
George S. Crane had Twenty four votes, ....	24
Isaac E. Long had Twenty four votes, .....	24
John S. Dupree had Twenty four votes, .....	24
Wm. Martindell had Twenty four votes, .....	24
George B. Height had Twenty four votes, ....	24
Charles E. Wunder had Twenty four votes, ..	24
Jacob G. Goodman had Twenty four votes, ..	24
Wm. H. Inman had Twenty four votes, ....	24
J. N. Goodman had Twenty four votes, .....	24
G. W. Richards had Twenty four votes, .....	24
E. F. Lake had Twenty four votes, .....	24
W. A. Louis had Twenty four votes, .....	24
Wm. M. Kane had Twenty four votes, .....	24
J. V. Robbins had Twenty four votes, .....	24
J. D. Leech had Twenty four votes, .....	24

Martin Stanton had Twenty four votes, . . . . .	24
H. O. Sharman had Twenty four votes, . . . . .	24
John S. Harmer had Twenty four votes, . . . . .	24
Thomas J. Sparks had Twenty four votes, . . . . .	24
Joshua C. Oliver had Twenty four votes, . . . . .	24
Russell Kaines had Sixteen thousand one hundred and fifty eight votes, . . . . .	16,158
Russell Kaines had eight thousand four hundred and six votes, . . . . .	8,406
George W. Pauling had Two thousand six hundred and forty votes, . . . . .	2,640
S. J. Randall had Five hundred and sixty eight votes, . . . . .	568
Wm. B. Grove had one hundred and seven votes, . . . . .	107
Charles Robinson had Forty-five votes, . . . . .	45
William P. Lantz had Forty-five votes, . . . . .	45
Robert K. Tomlinson had Forty votes, . . . . .	40
John M. Andes had Forty votes, . . . . .	40
A. M. Campbell had Forty votes, . . . . .	40
J. Miles Green had Forty votes, . . . . .	40
George H. Russell had Forty votes, . . . . .	40
Michael Nawgel had Forty Votes, . . . . .	40
M. Miles Leyman had Forty votes, . . . . .	40
Daniel M. Lardin had Forty votes, . . . . .	40
Andrew T. Marsh had Forty votes, . . . . .	40
M. H. Butler had Forty votes, . . . . .	40
William Connell had Thirty nine votes, . . . . .	39
David Clark had Thirty nine votes, . . . . .	39
John Huckenstein had Thirty three votes, . . . . .	33
John Taylor had Fifteen votes, . . . . .	15
Randall had Seven votes, . . . . .	7
Richard Vaux had Four votes, . . . . .	4
J. L. Brown had Two votes, . . . . .	2
D. J. Boyle had One vote, . . . . .	1
Henry K. Woodal had One vote, . . . . .	1
E. Wainwright had One vote, . . . . .	1

William McGee had One vote, .....	1
C. S. McGee had One vote, .....	1
Fred. Magee had One vote, .....	1
Henry Large had One vote, .....	1
Thomas Greenfield had One vote, .....	1
P. R. Jones had One vote, .....	1

Whereupon it appears by the final ascertainment under and in pursuance of the laws of this Commonwealth that the number of votes given or cast for each and all persons voted for whose election or appointment any votes have been given or cast that

Thomas Dolan, Lewis Pughe, John H. Taggart, John Wanamaker, Hibbert P. John, William C. Hamilton, John S. McKinlay, Joseph R. T. Coates, William S. Ellis, Edgar Pinchot, Samuel L. Kurtz, Ellwood Griest, Ezra H. Ripple, William G. Payne, Peter E. Buck, Henry H. Bechtel, John H. Grant, Wilson C. Kress, Thomas Beaver, George G. Hutchison, John C. Lawer, Jeremiah K. Miller, George J. Elliott, Henry S. Paul, George Shiras Jr., Porter S. Newmyer, John W. Wallace, John C. Sturtevant, Joseph Thos. Jones and L. M. Truxal have received the greatest number of votes of the persons voted for for Electors of President and Vice President of the United States for the Commonwealth of Pennsylvania and therefore are the persons duly elected and appointed electors of President and Vice President of the United States to meet at the seat of Government of this state (being in the city of Harrisburg) on the second Monday of January A. D. 1889, being the 14th day of said month, agreeably to the laws of this Commonwealth and of the United States, then and there to vote for President and Vice President of the United States for the respective terms prescribed by the Constitution of the United States, to begin on the fourth day of March A. D. 1889, and to perform such other duties as devolve upon them under the Constitution and laws of the United States.



In testimony whereof I have hereunto set my hand and caused the Great Seal of the State of Pennsylvania to be affixed the twenty-first day of November in the year of our Lord one thousand eight hundred and eighty eight, and of the Commonwealth the one hundred and thirteenth.

JAMES A. BEAVER.

By the Governor,

Charles W. Stone,

Secretary of the Commonwealth.

Proclamation of the Election of Electors of President  
and Vice President. 1888.

Pennsylvania, ss:

James A. Beaver.



commonwealth.

IN THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania. JAMES A.  
BEAVER, Governor of the said Com-

#### A PROCLAMATION.



Whereas, In and by an act of the General Assembly, entitled "An Act relating to the elections of this Commonwealth" approved the second day of July, Anno Domini one thousand eight hundred and thirty nine, it is made the duty of the Secretary of the Commonwealth, on receiving the returns of the election of the electors of President and Vice President of the United States,

to lay them before the Governor, who shall enumerate them and ascertain the number of votes given for each person voted for, and shall thereupon declare by proclamation the names of the persons duly elected.

And whereas, It appears from the returns, so laid before me, by the Secretary of the Commonwealth, of the election held on Tuesday the sixth day of November Anno Domini one thousand eight hundred and eighty eight that Thomas Dolan, Lewis Pughe, John H. Taggart, John Wanamaker, Hibbert P. John, Wm. C. Hamilton, John S. McKinlay, Joseph R. T. Coates, William S. Ellis, Edgar Pinchot, Samuel L. Kurtz, Ellwood Griest, Ezra H. Ripple, Wm. G. Payne, Peter E. Buck, Henry W. Bechtel, John H. Grant, Wilson C. Kiess, Thomas Beaver, Geo. G. Hutchison, John C. Lower, Jeremiah K. Miller, George J. Elliott, Henry S. Paul, George Shiras, Jr., Porter S. Newmyer, John W. Wallace, John C. Sturtevant, Joseph Thomas Jones and L. M. Truxal, received the greatest number of votes of the persons voted for as Electors of President and Vice President of the United States.

Now Therefore, I, James A. Beaver, Governor as aforesaid in obedience to the requirements of the aforesaid act of the General Assembly, do issue this my proclamation hereby publishing and declaring that the said Thomas Dolan, Lewis Pughe, John H. Taggart, John Wanamaker, Hibbert P. John, Wm. C. Hamilton, John S. McKinlay, Joseph R. T. Coates, William S. Ellis, Edgar Pinchot, Samuel L. Kurtz, Ellwood Griest, Ezra H. Ripple, Wm. G. Payne, Peter E. Buck, Henry W. Bechtel, John H. Grant, Wilson C. Kiess, Thomas Beaver, Geo. G. Hutchison, John C. Lower, Jeremiah K. Miller, George J. Elliott, Henry S. Paul, George Shiras, Jr., Porter S. Newmyer, John W. Wallace, John C. Sturtevant, Joseph Thomas Jones, and L. M. Truxal are the persons duly elected Electors of President and Vice President of the United States to

meet at the seat of government (Being the City of Harrisburg) on the Second Monday of January 1889 being the fourteenth day of said month agreeably to the laws of this Commonwealth and of the United States and then and there to vote for President and Vice President of the United States and to perform such other duties as devolve upon them under the Constitution and laws of the United States.

Given under my Hand and the Great Seal of the State at Harrisburg this twenty first day of November in the year of our Lord one thousand eight hundred and eighty eight and of the Commonwealth the one hundred and thirteenth.

JAMES A. BEAVER.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

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Proclamation of the Election of James T. Mitchell and J. Brewster McCollum as Judges of the Supreme Court.

Pennsylvania, ss:

(Signed) James A. Beaver.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. JAMES A. BEAVER, Governor of the said Commonwealth.



## A PROCLAMATION.



Whereas, It is provided in and by an Act of the General Assembly of this Commonwealth entitled "An Act to provide for the election of Judges of the several Courts of this Commonwealth and to regulate certain Judicial Districts" approved the 15th day of April A. D. 1851, that the Secretary of the Commonwealth shall cause the returns made to him of an Election for Judges of the Supreme Court to be opened and the votes cast for the persons voted for to fill said office to be accurately computed and that the Governor shall forthwith issue his proclamation declaring the persons voted for for Judges of the Supreme Court who have received the greatest number of votes, to be duly elected.

And Whereas, the Secretary of the Commonwealth has caused the returns of the late General Election for Judges of the Supreme Court to be opened and the votes cast to be accurately computed whereupon it appeared that James T. Mitchell and J. Brewster McCollum received the greatest number of votes of the persons voted for to fill the said office of Judge of the Supreme Court.

Now, Therefore, in conformity with provisions of the aforesaid Act of the General Assembly I, James A. Beaver Governor as aforesaid do issue this my Proclamation hereby publishing and declaring that of the persons voted for for Judges of the Supreme Court of this Commonwealth at the last General election held on the Sixth day of November A. D. 1888 James T. Mitchell and J. Brewster McCollum received the greatest number of votes, and are duly elected Judges of the Supreme Court of this Commonwealth.

Given under my Hand and the Great Seal of the State at Harrisburg this twenty first day of November

in the year of our Lord one thousand eight hundred and eighty eight and of the Commonwealth the one hundred and thirteenth.

JAMES A. BEAVER.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

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Proclamation of the Extirpation of the Epidemic of  
Pleuro-Pneumonia.



IN THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania. JAMES A.  
BEAVER, Governor of the said Com-  
monwealth.

Executive Department.

To all to whom these Presents shall come, Greeting:

A PROCLAMATION.

Whereas, By the provisions of the Act of the General Assembly of Pennsylvania, entitled "An Act to prevent the spread of Contagious pleuro-pneumonia among cattle in this State," approved the 1st day of May, Anno Domini one thousand eight hundred and seventy-nine, it is made the duty of the Governor to take measures to promptly suppress the disease known as contagious pleuro-pneumonia whenever it shall be brought to his notice that the said disease exists among neat cattle in any of the Counties in this State:

And whereas, such disease among neat cattle in the district hereinafter mentioned was alleged to exist, and I thereupon, in co-operation with the proper authorities of the Government of the United States of New York, Maryland and New Jersey, and for the purpose

of instituting measures for the investigation, suppression and extirpation of said alleged disease among neat cattle within the district hereinafter mentioned, did, by proclamation given under my hand and the Great Seal of the State at Harrisburg on the 21st day of March, in the year of our Lord, one thousand eight hundred and eighty eight, declare certain regulations to be in force from and after the 9th day of April A. D. 1888, in that part of the Commonwealth within the limits of a curved line having a radius of eight miles around the new City Hall of Philadelphia extending from a point on the Delaware river northerly from the said City Hall to a point on the Delaware river southerly from said City Hall.

And whereas, I have become satisfied that the said regulations, and the action pursuant thereto by the proper authorities, have been effectual, and that there is no occasion for continuing them in force.

Now, Therefore, I, James A. Beaver, Governor of Pennsylvania, in compliance with the provisions of the above recited Act of Assembly, do declare: That the regulations in force, pursuant to the above recited proclamation, be, and they are, hereby, from and after this day, annulled. Saving however all acts already done and pursuant thereto.

Given under my Hand and the Great Seal of the State at Harrisburg, on the twentieth day of December, in the year of our Lord one thousand eight hundred and eighty eight and of the Commonwealth the one hundred and thirteenth.



JAMES A. BEAVER.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

Proclamation of the Cancellation of One Million One Hundred and Eighteen Thousand Five Hundred and Fifty Dollars of the Principal Debt of the Commonwealth through the Sinking Fund.



IN THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania.

Executive Department.

To all to whom these Presents shall come, Greeting:

A PROCLAMATION.

Whereas, By the third section of an Act of the General Assembly of this Commonwealth entitled "An act to establish a sinking fund for the payment of the public debt" approved the second day of April, Anno Domini one thousand eight hundred and fifty eight and the Supplement thereto approved the tenth day of April, Anno Domini one thousand eight hundred and sixty eight, it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the Sinking Fund, created by the said first recited act of the General Assembly to report and certify to the Governor annually, the amount received under the said act, the amount of interest paid and the amount of the debt of the Commonwealth redeemed and held by them: whereupon the Governor shall issue his proclamation stating the fact and the extinguishment and final discharge of so much of the principal of said debt;

And whereas, Charles W. Stone, Thomas McCamant and William B. Hart, commissioners of the Sinking Fund, in obedience to the requirements of the said enactments, report and certify to me that the amount of the debt of the Commonwealth redeemed and held by them for the financial year ending on the 30th day of November, Anno Domini one thousand eight hundred

and eighty eight, is one million one hundred and eighteen thousand five hundred and fifty Dollars \$1,118,550, made up as follows:

Amount of $3\frac{1}{2}$ per cent bonds, Act 8th	
June 1881, .....	\$250,000 00
Five per cent loans purchased, Act 20th	
March 1877 redeemable in 1892, ...	810,000 00
Four per cent loan, purchased Act 1st	
April, 1879, .....	45,500 00
Five per cent loan, redeemed Act Feb'y	
2, 1867, .....	2,900 00
Six per cent loans redeemed Act Feb'y	
2nd, 1867, .....	10,150 00

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Total amount cancelled or re-	
deemed, .....	\$1,118,550 00

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Now, Therefore, I, James A. Beaver, Governor of the said Commonwealth, in compliance with the provisions of the above recited act of the General Assembly, do issue this my proclamation, declaring the payment, cancellation, extinguishment and discharge of one million one hundred and eighteen thousand and five hundred and fifty dollars of the principal of the public debt of this Commonwealth.



Given under my hand and the Great Seal of the State at the City of Harrisburg, this twenty sixth day of December in the year of our Lord one thousand eight hundred and eighty eight and of the Commonwealth the one hundred and thirteenth.

JAMES A. BEAVER.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

Proclamation of the Cancellation of One Million Four Hundred and Eighteen Thousand Five Hundred and Eleven Dollars of the Principal Debt of the Commonwealth Through the Sinking Fund.

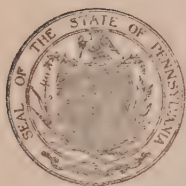
Pennsylvania, ss:



I N THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania.

To all to whom these Present shall come, sends Greeting:

A PROCLAMATION.



Whereas, by the third Section of an act of the General Assembly of the Commonwealth, entitled "An Act to establish a Sinking Fund for the payment of the public debt" approved the second day of April Anno Domini one thousand eight hundred and fifty eight, and the supplement thereto approved the tenth day of April, Anno Domini One thousand eight hundred and sixty eight, it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the Sinking Fund, created by the said first recited act of the General Assembly, to report and certify to the Governor annually the amount received under the said act, the amount of interest paid and the amount of the debt of the Commonwealth redeemed and held by them, whereupon the Governor shall issue his Proclamation, stating the fact and the extinguishment and final discharge of so much of the principal of said debt;

And whereas, Charles W. Stone, A. Wilson Norris and William Livsey, Commissioners of the Sinking Fund, in obedience to the requirements of the said Enactments, report and certify to me that the amount



of the debt of the Commonwealth redeemed and held by them for the financial year ending on the thirtieth day of November Anno Domini One thousand eight hundred eighty seven, is One million Four Hundred and Eighteen Thousand, Five Hundred and eleven dollars, (\$1,418,511.00) made up as follows:

Amount of 3½ per cent Bonds, act of 8th June 1881, 5th Series, .....	\$150,000 00
Amount of 5 per cent Bonds redeemed by purchase, act 20th March, 1877, 15-25 due in 1892, .....	1,268,500 00
Amount of Relief Notes Cancelled, ....	11 00
<hr/>	
Total amount cancelled or re- deemed, .....	\$1,418,511 00
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Now therefore, I, James A. Beaver, Governor as aforesaid in compliance with the provisions of the above recited Act of the General Assembly, do issue this my Proclamation, declaring the payment, cancellation, extinguishment and discharge of One Million, Four hundred and eighteen thousand, Five hundred and eleven dollars of the principal of the public debt of this Commonwealth.

Given under my hand and the Great Seal of the State, at Harrisburg, this twenty ninth day of December, in the year of our Lord one thousand eight hundred and eighty seven, and of the Commonwealth the one hundred and twelfth.

JAMES A. BEAVER,  
Governor.

By the Governor.

J. H. Longenecker,

Deputy Secretary of the Commonwealth.



## Biennial Message to the Assembly.

Gentlemen:—

**Y**OU COME TOGETHER UNDER FAVORABLE auspices. The Commonwealth prospers. Her population increases. Her vote at the last general election aggregated within seventeen hundred of one million, being about one hundred thousand in excess of the vote at any time previously cast. This vote, measured by the standard of 1880, would indicate a population approximating, if not quite equal to, five millions.

Plenty crowns the year which has just closed. Agriculture has been rewarded by generous returns from the soil, in greater degree than in several years past. The output of our mines has steadily increased. We easily hold our place in the front rank of the producers of coal and iron. The busy hum of industry has indicated the content of employment, even if manufacturers have been denied a fairly profitable return. Internal and Interstate commerce show increased and increasing tonnage, and give employment to constantly increasing numbers. The growth of our railroad system, although checked in some directions, has been healthy and vigorous elsewhere, and has tended to the development of our vast resources heretofore untouched. New territory for the production of oil and natural gas has been discovered and opened up. The utilization of natural gas and of the vast accumulations of culm in the anthracite coal regions, and the development of new bituminous coal fields in several parts of the State, have proved of great advantage to our manufacturing industries in all portions of the Commonwealth and offer superior attractions to those desiring to locate new manufacturing industries, especially such as relate to the manufacture of iron and the products thereof.

The vigorous growth and healthy development of the smaller cities, indicated by increased attention to the paving of streets and the introduction of electric motor, and horse railways, are evidences of general thrift and commendable enterprise.

Industrial thrift has been but slightly retarded by strikes and lockouts, destructive alike to all the interests affected thereby, and an increasing disposition between the wage-earner and the wage payer to consult before differences arise, and to arbitrate after they have arisen, gives promise of more satisfactory results in this direction in the future.

It is hoped that the era of depression in prices, which has prevailed for several years, has reached low-water mark, and it is confidently believed that the outlook for more promising results for industrial and commercial enterprise is encouraging.

The health of our people has been generally good. No serious general epidemics have prevailed. Increasing attention to sanitary precautions as a means of preventing the inception and spread of epidemic diseases, and the valuable suggestions and practical work of the State Board of Health in this direction may, in part, account for this gratifying condition of public health.

Our cattle have been unusually free from contagious diseases.

Lawlessness has been minimized and repressed, and the public peace nowhere seriously threatened.

You come, therefore, to the discharge of your duties as the promoters and conservators of the public welfare at a goodly time.

It is not intended by this brief survey to convey the impression that there are no evils to remedy and no benefits to be conferred upon the people of the Commonwealth by their chosen representatives in General Assembly met. On the contrary, the favorable

condition of affairs which confronts you will enable you to give intelligent and serious attention to many subjects of internal policy and concern which have long demanded appropriate legislation. You are solely responsible for the laws which are enacted. You come fresh from your several constituencies with a knowledge of their wants and desires. You are to meet those wants and gratify those desires, so far as the Constitution, your own good judgment, the best interests of the whole people, and the resources of the Commonwealth will allow. It is not the intention, nor is it the desire, of the Executive to interfere in any way with your functions as lawmakers. It is his intention to confine himself strictly to the constitutional command that, "He shall from time to time give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may judge expedient."

#### CONSTITUTIONAL AMENDMENTS.

Your immediate predecessors, by two several joint resolutions, took the first step in submitting to a vote of the people amendments to the Constitution of the Commonwealth; the first of said resolutions, approved the tenth day of February, 1887, proposing to prohibit by constitutional enactment the manufacture, sale, or keeping for sale, of any intoxicating liquor to be used as a beverage; and the second providing for the amendment of the first section of the eighth article of the constitution relating to suffrage, abolishing the payment of a tax as a qualification for voting, reducing the minimum residence in the district where the elector offers to vote from two months to thirty days, and extending the suffrage to citizens actually engaged in military service and to the inmates of any home for disabled soldiers and sailors in the district where said home is located.

In regard to the first of these resolutions, it may be confidently said that very many people of the Commonwealth desire to vote directly upon it. They should have an opportunity so to do; and in order that such an opportunity may be afforded, at a time when no other consideration than the direct question involved can bias the mind, it is recommended that the resolution be passed by the present Legislature as early as possible, and that a time be fixed for a special election—say in the month of May or June—at which the people may record their verdict thereupon.

The amendment proposed in the second of said resolutions seems to meet with general approval, and might be submitted at the same time. Neither of these subjects has any partisan political significance, and they should therefore be considered and determined solely upon their merits. This, it is believed, can be best done when no other subject is before the people, and in advance of the nominating conventions which shall name candidates to be voted for at the general election in November.

#### LEGISLATION OF 1887 RELATING TO APPROPRIATIONS AND REVENUE.

At the close of the Legislature of 1887 there remained in the office of the Secretary of the Commonwealth for Executive action nearly three hundred bills and resolutions. These included the major part of the appropriation bills of the session. A careful aggregation of all the appropriations made, together with the fixed charges and expenses provided by law, the departmental expenses arising under the schedules, and the estimated amount of the Sinking Fund as fixed by the Constitution and laws, amounted to nearly \$17,000,000.

The estimated revenues from all sources, according to the experience and judgment of those best qualified to make an estimate, were less than \$15,000,000.

This condition of things imposed upon the Execu-

tive the necessity of bringing the income and outgo of the treasury for the two years, from the 1st of June, 1887, to the 1st of June, 1889, as nearly as possible together. The revenues could not be increased. The remedy, and the only remedy, therefore, was to be found in decreasing the expenditures or rather, preventing the necessity for expenditure, by executive interference. This was found to be a difficult thing to do. The great majority of the appropriations were well considered and necessary, and appealed to the judgment and, in many cases, to the sympathy of the Executive. The appropriations were all carefully tabulated and analyzed, and, after thoroughly studying them, it was determined, first of all, that two objects in which the Executive had taken a deep personal interest must be sacrificed. These were the erection of a new executive building, and the remodeling of the legislative building (for which appropriation had been made by the Legislature) and the provision for new and enlarged quarters for the House of Refuge in Philadelphia. The item providing for the repair of the executive mansion would have shared the same fate but for the fact that the plans had all been prepared and the work actually commenced before the necessity for such action became apparent.

Many of the appropriations simply expressed the legal obligations of the Commonwealth. These could not be interfered with. Our educational and charitable institutions were to be maintained at all hazards. The general principle which governed in limiting or reducing appropriations by executive action was therefore, to strike out such items as provided for new buildings and the payment of pre-existing obligations. In no single instance, so far as it is now recalled, was the provision for the running expenses of any of our hospitals throughout the State, constitutionally entitled to aid, seriously interfered with.

The bill to revise, amend, and consolidate the several revenue laws of this Commonwealth, which imposed taxes upon personal property and upon banks, corporations, limited partnerships, bankers and brokers, known as House bill No. 290, which came to the office of the Secretary of the Commonwealth a few days before the adjournment of the last Legislature, received very careful consideration at the hands of the Executive. In some of its provisions it was not believed to be all that was desired; in others it was regarded as positively faulty, and in some respects its tendency was to diminish the revenues. There was popular demand for some new revenue system. It was believed by the people at large that this bill met the requirements of this demand. With many misgivings, but recognizing the feeling upon the subject, the Executive was about to sign the bill when it was discovered that it had not received the signature of the presiding officer of the Senate, as required by the Constitution. A quiet investigation was set on foot before any publicity was given to the matter, which resulted in the discovery that the journal of the Senate failed to show that the bill had ever been received from the House in the Senate for signature. A further investigation showed that at the time the House of Representatives adjourned, after the signing of the bill by the Speaker, the Senate was not in session. It was believed, therefore, that the messenger had taken the bill from the House to the office of the Secretary of the Commonwealth without having first carried it to the Senate. Be that as it may, it was very clear that the bill lacked one of the essential features of a law, and could not properly be signed and promulgated as such. Subsequent investigation of the subject and action of the courts since announced, lead to the belief that it was perhaps well for the general interests of the Commonwealth that the bill did not become a law.



It is not believed now by those who are best qualified to judge that the bill, as passed, would meet present requirements in raising the revenues necessary to provide for the necessary expenditures of the Commonwealth.

#### REVENUE COMMISSION AND LEGISLATION.

In accordance with the provisions of the concurrent resolution, approved the 16th day of February, 1887, Hon. Henry W. Palmer, Hon. Jerome B. Niles and Hon. Christopher Heydrick were appointed to act in conjunction with five Senators appointed by the President pro tem. of the Senate, seven Representatives appointed by the Speaker of the House, the Auditor General, the State Treasurer, the President pro tem. of the Senate and the Speaker of the House, as a "Commission to revise the revenue laws of the Commonwealth and report the result of their action by bill or otherwise to the next regular or special session of the Legislature, and, if practicable, to report a digest of all the State revenue laws for public information." This Commission held repeated meetings during the year 1887, and made a report, which, with the bill prepared by them entitled "An act to revise, amend and consolidate the several revenue laws of this Commonwealth which impose taxes upon personal property and upon corporations, companies, associations, limited partnerships, banks, bankers and brokers," is herewith transmitted. There are some admirable features in the bill as proposed, and if it could be put into immediate operation, with such amendments as a later experience would indicate to be desirable, it would doubtless constitute the foundation of a wise and comprehensive revenue system.

Without discussing either of the measures above referred to, it may be stated as a safe general proposition, that the less interference with our existing



revenue laws, excepting to remedy certain defects pointed out by the courts in recent decisions, and to extend the operation of the law so as to bring within its grasp all personal property intended to be taxed under existing legislation and the requirements of the Constitution, the better it will be for the revenues of the Commonwealth and other interests which seriously complain of burdens too great to be borne.

The general revenue act of the 7th of June, 1879, with the supplements thereto, having already received judicial interpretation in various ways, may perhaps better be adhered to than to risk the enactment of an entirely new law whose fundamental principles might not receive the sanction of judicial interpretation. If what is known as the capital-stock tax were levied upon the actual value of the stock taxed, instead of under the dual arrangement provided in the second section of the act above referred to, and if what is known as the loans tax were levied upon the actual value of the securities sought to be taxed, many of the difficulties complained of and which are now undergoing judicial examination might, it is believed, be happily removed and our revenues rendered much more stable, with a chance for increase rather than decrease.

The expenses connected with the collection of what is known as the personal-property tax are onerous, and their adjudication gives rise to much labor, annoyance and sometimes dissatisfaction to the authority making the collection. It is believed that if this tax were divided so as to give one mill thereof to the municipality making the collection, in lieu of all expenses connected therewith, much difficulty would be obviated, more revenue would be received by the Commonwealth, and an inducement held out to the local authority making the collection to bring within the grasp of the law much property which at present escapes

taxation. This subject deserves careful consideration at your hands.

The Legislature has, at different times and in various ways, attempted to exempt certain classes of property from the general operation of our revenue laws. The Constitution expressly limits the power of the Legislature in this direction; specifically enumerates the property which it may, by general laws, exempt from taxation, and provides in the second section of the ninth article that "all laws exempting property from taxation, other than the property above enumerated, shall be void."

What is property? A plain, simple, common-sense answer to this question will undoubtedly point out the highway which the Legislature must follow in dealing with the whole subject of revenue, if the plain intent of the Constitution is to be observed. The exemptions heretofore attempted have been made not only without authority, but are, the Constitution says, absolutely void. If, in addition to the simple changes in the act of 1879 above referred to, provision were made for the collection of taxes from those several species of property declared to be exempt by the Legislature, and such as are in effect exempt because not mentioned in existing legislation, we would have ample revenue for all the ordinary purposes of the Commonwealth, and could extend yet further in different directions the appropriations which tend to the immediate relief of the real estate of our citizens. Let the full and fair intent of the Constitution be carried out in the direction indicated, with no more than the present moderate rate of taxation provided for in existing laws, and it is believed that immediate relief would be experienced by those who rightfully complain of burdensome local taxation. A general inquiry addressed to all the cities and counties of the Commonwealth has elicited the knowledge of a condition of af-

fairs, so far as local taxation is concerned, which will be as great a surprise, no doubt, to the Legislature as it was to the Executive. The real estate of the Commonwealth is taxed in the various cities and counties thereof at rates varying from sixty mills, which is probably the highest, to twelve mills, which is probably the lowest. The highest rate, unfortunately, prevails in those counties where the people are least able to bear it. Admitting, as it probably should be admitted, that the assessment is made at little more than half the value of the real estate assessed in many localities, it is nevertheless true that we are allowing, under our present laws, the taxation of those least able to bear such a burden at the rate of from six to thirty mills upon every dollar's worth of value, whilst we are allowing millions of corporate property to escape taxation altogether, and imposing upon personal property, which yields greater returns than real-estate, only from one half to one-tenth of the burden of taxation borne by the latter. Is it not, therefore, true that our farming population and the owners of modest homesteads have a right to complain? Is it not also true that, in our efforts to prevent money from seeking investment outside the Commonwealth, we are driving men from home? Men are more essential to the life of the Commonwealth than money. They can make money, but money can never make men.

#### PRESENT CONDITION OF THE REVENUE.

You will learn from the report of the Attorney General, as you have doubtless heretofore learned from the public prints, that the Supreme Court of the United States, in several well considered opinions—two of them in cases removed from our own courts—has decided that what is known as the gross-receipts tax, so far at least as it relates to commerce carried through this State, from another State into this State, or from

this State into another State, is not subject to taxation, being an interference with commerce between the States, and therefore in violation of the Constitution. This decision has very seriously crippled our revenues during the last two years, the loss for the present year amounting to about \$800,000 dollars. This loss threatened serious disturbance to the treasury and its ability to meet ordinary obligations. Thanks to the efficient and energetic administration of the Auditor General's office and the active co-operation of the Attorney General's office, and through the forbearance of the officers entrusted with the authority to draw warrants upon the Treasurer, no proper demand backed by a legal warrant has been ignored or postponed by the Treasurer. In doing this, however, it must be remarked that all our reserves have been exhausted. Unsettled cases upon the books of the Auditor General have been pressed to settlement or collection, and it is believed that there are not as much as \$25,000 of unsettled claims now pending in the Auditor General's office. At no time during the last year has there been any diversion from the general to the Sinking Fund, by reason of the balance in the treasury at the end of any quarter being in excess of the amount required by law. You are respectfully referred to the reports of the Auditor General and of the State Treasurer for the full details of receipts and expenditure for the fiscal years closing the 30th of November, 1887 and 1888, respectively.

#### STATEMENT OF THE PUBLIC DEBT.

The total public debt, November 30, 1886, was.	\$17,258,982 28
The assets in the Sinking Fund at that date,...	10,180,746 46
<hr/>	
Leaving public debt unprovided for, ....	\$7,078,235 82
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## THE PUBLIC DEBT STATEMENT, NOVEMBER 30, 1887.

## Non-Interest Bearing Debt.

Relief notes, act 4th of May, 1841,...	\$96,146 00	
Interest certificates unclaimed,...	4,448 38	
Interest certificates outstanding,...	13,038 54	
Domestic creditors, .....	25 00	
	<hr/>	\$113,657 92

## OVERDUE LOANS UPON WHICH INTEREST HAS BEEN STOPPED.

5 per cent. bonds, .....	\$21,314 70	
6 per cent. bonds, .....	12,750 00	
6 per cent. Chambersburg certificates, .....	148 66	
	<hr/>	34,213 36

## INTEREST BEARING DEBT.

3½ per cent. bonds, .....	\$2,114,900 00	
4 per cent. bonds, .....	7,844,200 00	
5 per cent. bonds, .....	5,233 500 00	
6 per cent. Agricultural College bond, .....	500,000 00	
	<hr/>	15,692 600 00
Total debt, .....		<hr/> <hr/> \$15,840,471 28

## ASSETS OF THE SINKING FUND.

Twenty-two bonds Allegheny Valley Railroad Company, .....	\$2,200,000 00	
Interest to November 30, 1887, ....	45,916 67	
Pennsylvania Railroad Company, sale of main line and interest to November 30, 1887, .....	1,643,608 22	
\$4,400,000 U. S. 4 per cent. consols, worth, .....	5,305,814 38	
Balance in fund November 30, 1887, .....	1,489,023 16	
	<hr/>	
Total assets, .....	\$10,684,362 43	
Balance of public debt unprovided for, .....	5,156,108 85	
	<hr/>	\$15,840,471 28
		<hr/> <hr/>

Debt unprovided for 30th of November, 1886,...	\$7,078,235 82
Debt unprovided for 30th of November, 1887,...	5,156,108 85

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Amount of reduction of debt during 1887,	\$1,922,126 97
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This statement differs from that published in the Treasurer's report for the reason that in the report of the Treasurer, the amount necessary to pay the February interest and other items, are reserved and deducted before the balance is struck.

PUBLIC DEBT STATEMENT, 30TH OF NOVEMBER, 1888.  
Non-Interest Bearing Debt.

Relief notes, act 4th May, 1841,...	\$96,146 00	
Interest certificates unclaimed,...	4,448 38	
Interest certificates outstanding,..	13,038 54	
Domestic creditor, .....	25 00	
		<hr/>
		\$113,657 92

OVERDUE LOANS UPON WHICH INTEREST HAS BEEN  
STOPPED.

5 per cent. bonds, .....	\$18,414 70	
6 per cent. bonds, .....	2,600 00	
6 per cent. Chambersburg certifi- cates, .....	148 66	
		<hr/>
		21,163 36

INTEREST BEARING DEBT.

3½ per cent. bonds, .....	\$1,857,900 00	
4 per cent. bonds, .....	7,798,700 00	
5 per cent. bonds, .....	4,430,500 00	
6 per cent. Agricultural College bond, .....	500,000 00	
6 per cent. on proceeds of sale of experimental farms, .....	17,000 00	
		<hr/>
		\$14,604,100 00

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Making an aggregate indebtedness of ...	\$14,738,921 28
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## ASSETS OF THE SINKING FUND.

Twenty-two bonds Allegheny Valley Railroad Company, \$100,000 each, .....	\$2,200,000 00	
Interest to 30th November, 1888, ..	153,333 34	
Pennsylvania Railroad Company, balance due for sale of main line with interest to 30th November, 1888, .....	1,253,303 38	
\$3,300,000 United States 4 per cent. bonds, costing with premiums, ..	4,087,626 88	
Cash in fund 30th November, 1888, ..	2,368,343 73	
		\$10,062,607 33
Balance unprovided for, .....		4,676,313 95
		<hr/>
Total, .....		\$14,738,921 28
		<hr/>
Debt unprovided for 30th November, 1887, .....	\$5,156,108 85	
Debt added by sale of experimental farms, .....	17,000 00	
		\$5,173,108 85
		<hr/>
Debt unprovided for 30th November, 1888, ....		4,676,313 95
		<hr/>
Net reduction during 1888, .....		\$496,794 90
		<hr/>
Gross amount of debt paid in 1888, .....		\$1,118,550 00
		<hr/>
Paid by reducing accumulated assets, .....	\$621,755 10	
Paid from receipts of the year, ...	496,794 90	
		\$1,118,550 00
		<hr/>

It will be observed that in the above statement, taken from the books of the Treasurer, there are sundry items of non-interest bearing debt and of overdue loans, upon which interest has been stopped, which appear in the statements from year to year, and which are carried upon the books of the Treasurer, and regularly printed in his annual report. Many of these items are believed to have no actual existence. The relief notes have probably been destroyed by fire and



accident. Other items, such as interest certificates unclaimed, are actually in the vaults of the treasury, and have never been delivered. It would be well, in order to simplify the bookkeeping of the office and the statements which are annually promulgated, if authority were given to the Treasurer to cancel these items, without, in any way, impairing the obligation of the Commonwealth to pay them in case they should be presented; but, inasmuch as no payments have been made upon them since 1876, it is fair to presume that the Commonwealth will never be called upon to pay anything on their account. If these items were canceled the debt statement would, undoubtedly, more correctly represent the actual facts. It will be observed that no portion of the public debt is presently payable, except by and with the consent of the holders thereof. The balance of the five per cent. loan, authorized by the act of 20th March, 1877, amounting to \$4,430,500, can be paid in accordance with the terms thereof in the year 1892. The cash balance in the Sinking Fund and the bonds of the United States held therein, which can be sold at any time, are more than sufficient to pay this balance now. The Commissioners of the Sinking Fund have endeavored to purchase these bonds by paying a reasonable premium therefor, but many are held by trustees and conservative individuals to whom the premium is no inducement to sell, and their efforts in this direction seem to have accomplished all that is at present attainable. It is difficult upon any known business principles, to account for the fact of the refusal of the holders of these bonds to accept the full face value thereof with eight or ten per cent. premium, in view of the certainty of their payment some three years hence, but such is the fact, and its existence is at least gratifying as showing the estimation in which the obligations of the Commonwealth are held by investors. For the

details of the operations of the Sinking Fund, showing bonds purchased and premiums paid therefor, you are respectfully referred to the report of the Commissioners.

It may be well, before passing to another subject, to record the fact of the passage by both Houses of Congress, by decided majorities, of what is known as the "Direct Tax Bill." The effect of this bill, if it should become a law, will be to return to Pennsylvania nearly a million and three-quarters of dollars, which amount was retained by the Government of the United States out of a claim adjudicated by her own accounting officers for expenditures made by the State in raising and equipping troops for the service of the United States. It constituted the quota of Pennsylvania of a direct tax levied upon all the States by act of Congress. Some of the States never having paid their quota of said tax, the return without interest, to such as did their duty, of the amount paid by them respectively, would seem to be so obviously just and proper that it is difficult to understand why it was not done long ago. The Senators and Representatives in Congress from Pennsylvania are entitled to the commendation of their constituents for their zeal in serving the interests of the Commonwealth in this behalf.

#### EDUCATION.

No subject which relates to the future welfare of the Commonwealth, can more profitably engage the attention of the Legislature than that which concerns the care and culture of the young of the present and succeeding generations. We stand to day apparently at the parting of two ways, so far as the general subject of education is concerned. Pennsylvania, so far as her school system is concerned, occupies a place which makes it easy for her to take the lead in the

direction of practical education. The Legislature at its last session authorized and requested the Governor by a concurrent resolution approved the 19th day of May, 1887, to appoint "a commission, consisting of not more than five persons, citizens of this Commonwealth, to make inquiry and report to the Legislature at its next session, by bill or otherwise, respecting the subject of industrial education, including an examination of the extent to which it is already carried on in Pennsylvania and elsewhere; the best means of promoting it in its several grades, whether by State or local action alone, or by both combined; how far it is possible or desirable to incorporate it into the existing system of public instruction; the best methods of training teachers for such schools or departments, and what changes if any are required in the existing system of normal schools to enable them to provide such training, or to meet more fully the needs of the system of public instruction as now organized in the State, with such other inquiries as the Commission may itself institute or be requested by the Governor to undertake."

In accordance with the authority and request of this resolution, George W. Atherton, LL. D., A. H. Fetterolf, Ph. D., Prof. N. C. Schaeffer, Prof. Geo. J. Luckey and Colonel Theodore W. Bean were appointed to serve upon said Commission, which has been since popularly known as the Industrial Education Commission. Their work, it is believed, has been thoroughly and conscientiously done. By observations in several parts of Europe and throughout this country they have brought together a mass of material, which, when presented to the Legislature will, it is believed, constitute the best body of practical information upon this subject which has yet been collected. Their report has not yet been handed to the Executive. He has been, however, sufficiently apprised of the work of the

Commission and has kept pace with it to such an extent as to be able to form a general impression as to the work done and the outline of recommendation to be proposed, and to state his hearty accord with the work of the Commission, and to recommend that work to the careful consideration and liberal support of the Legislature.

Industrial manual training must be carefully distinguished from the training of trades schools. It may be doubted whether or not the Legislature has power, under the Constitution, to provide for the training of tradesmen in any particular calling. There can, however, be no special or class legislation in that kind of training which educates the eye and the hand of every boy and girl in the Commonwealth, so that they can be applied to the practical demands of life when their school days are over. The alphabet of the straight line, the angle and the curve, is just as essential to a training for usefulness as the ordinary alphabet through which we express our thoughts in words. The education of the hand, so that it can be applied dexterously to the practical work which comes to every man in solving the problem of life, is just as important as the knowledge of arithmetic which is applied in so many different ways by those who become acquainted with its rudiments in our public schools. Your immediate predecessors extended the minimum of the school year to six months. This is, perhaps, as far as it would be well to go in this direction. The improvement in our school system required for to-day is not more time for school, but more instruction in such branches as tend to fit men and women for their legitimate place in practical every day life. The proposition is apparently a safe one, which declares that the common schools of the Commonwealth ought to teach everything which her boys and girls ought to know. If ten children are to be educated, one should

not receive an education at the expense of the nine. This principle carried into practice may and probably will, reduce the advanced curriculum of some of our high schools, but it will certainly broaden the foundations of our educational system. If we are to attempt anything like a general introduction of manual training in the schools in the near future, we must first teach the teachers. To do this, our normal schools must be prepared in equipment and instructing force for the demands which will be made upon them. Some of them are already anticipating this demand, and are putting into operation, in a moderate, tentative way, a system of industrial training for their scholars who are to be the future teachers of our schools. The ability to do this should be placed in the hands of all our normal schools as fast as they are ready to carry the system into practical effect. It is a great mistake to suppose that this will require large buildings and expensive outfits. All that is desirable in this direction cannot be accomplished in a single year, and it is therefore recommended that reasonable appropriations for this specific purpose be made to each and all of our normal schools if it should be deemed wise to begin such a training at once.

There exist, under the law regulating their organization, thirteen normal school districts. Eleven such schools have been heretofore recognized in accordance with the provisions of the act of Assembly. The twelfth, lately erected at Centreville, in the Eleventh district, is now awaiting recognition, leaving only the Fourth district without a school of its own. The buildings belonging to the Central State Normal Schools, situate at Lock Haven, in the Eighth district, have lately been destroyed by fire. It is understood that they were partially insured, that the school is being conducted in buildings temporarily rented for the purpose, and that the school-buildings will be re-

built at an early day. It is probable that State aid will be sought in accomplishing this object, and within proper limits such aid should probably be extended.

It is too late at this day to discuss the propriety of fewer normal schools. What we have should be strengthened and fitted for doing thorough work. In addition to the industrial training, hereinbefore referred to, a thorough course of instruction, involving a knowledge of the fundamental law of the State and Nation, and of the duties of citizenship, should be insisted upon as a necessary part of the equipment of every teacher in the Commonwealth.

The efficiency of our schools and the health of the children gathered there, depend very largely upon the construction of our school buildings. In many cases no architect is employed, and no attention paid to, or provision made for, the healthful heating and ventilation of the school-room. This is a subject of vital importance, the practical difficulty of which is fully appreciated. Might it not be possible, however, to remedy the evil, at least partially, by requiring all plans for new school buildings about to be erected, to be submitted to the Department of Education for approval before their erection?

The school directors throughout the Commonwealth are required, once in three years, to attend a convention, held at the county seat of the several counties, for the election of a county superintendent. They are also expected to attend the sessions of the annual county institute, at least for one day. Some of the directors do this without much trouble and without any expense; others are compelled to incur both trouble and expense. Would it not be both wise and just to give authority, by provision of law, to school directors to charge their actual, necessary expenses in attending these meetings, to their respective constituencies, whom they serve without compensation?



An effort is now being made to secure, at the port of Philadelphia, a schoolship, under the provisions of an act of Congress, upon which boys can be trained in the arts and sciences relating to navigation and practical seamanship. The Government of the United States, under the provisions of the law before mentioned, furnishes the ship and the officers to command it and give the necessary instruction, but the officers detailed for this purpose are paid by the Government only what is known as "shore pay." The difference between such pay and full, or pay upon the active list, must be made up in some other way. Your attention will doubtless be directed to this subject by the introduction of a bill providing for a mixed commission to manage the ship, and for a moderate appropriation toward the expenses of maintaining it. Inasmuch as the boys from all parts of the Commonwealth will be admitted to the ship, so far as its accommodations will allow, it would seem to be a proper subject of expenditure, and it is cordially commended to your careful consideration if no constitutional difficulty interferes.

The desirability of the founding of mining schools, so called, has been brought to the attention of the Executive in various ways, with the evident expectation that something can be done by general legislation to aid in their establishment.

The life of the miner is attended with extraordinary hazards. His work is essential to the full development of the resources of the Commonwealth. It involves, more than in ordinary employments, a practical knowledge of geology, chemistry, physics and kindred sciences, and the science and art of mining engineering. If anything can be done which would bring within the reach of this deserving class an education suited to their needs, without, in so doing, violating the spirit of the Constitution, as to special or class



legislation, it would be well to consider the subject and make such provision as, in your wisdom, may seem meet.

The whole subject of special schools for the training of special classes is one of great delicacy and difficulty, and, in view of the difficulties which beset us in the consideration of the subject, the munificence of one of the citizens of Pennsylvania, in providing an institution, lately founded, for a school of this character, is to be noted with approbation. Isaiah V. Williamson, of the city of Philadelphia, has lately conveyed to a board of trustees property valued at several millions of dollars, for the establishment of the "Williamson Free School of Mechanical Trades."

It is difficult to estimate the value, in actual dollars and cents, to the Commonwealth, as well as to the individuals educated therein, of such a foundation. It points the way for others, and may be the only solution of a problem, the results of which, however desirable, must nevertheless be worked out under and in obedience to the provisions of our Constitution.

#### SOLDIERS' ORPHANS' SCHOOLS.

Closely allied to the general subject of education, is that of the care and education of the children gathered in our soldiers' orphans' schools.

As you are doubtless aware, a proviso of the first section of the act of 2d of June, 1887, providing for the expenses of the said schools, enacts that—

"No admission shall be granted to any of the soldiers' orphans' schools or homes after June first, one thousand eight hundred and eighty-seven, and that all schools or homes shall close, and all children be discharged from said institutions, on June first, one thousand eight hundred and ninety."

This proviso does not reflect the views of the Executive. It was not such an item, however, as he is

authorized under the Constitution to disapprove, and it was allowed to stand because the disapproval of it necessarily involved the disapproval of the entire bill. In addition to this, the subject was one over which the Legislature had control, and the Executive felt bound by his own rule to give full scope to the enactments of the Legislature made in accordance with the Constitution; it was, moreover, believed that the Legislature may only have intended to provide for the care and education of these children in some other way than that pointed out by the law under which the present schools are organized. The general tenor of the Constitution is against appropriations for this purpose; but there is in the nineteenth section of the third article, a special provision, whereby the General Assembly is authorized to make appropriations of money to institutions where the widows of soldiers are supported or assisted, or the orphans of soldiers are maintained and educated.

On the 1st of June, 1890, there will be left under the care of the State, and undergoing education in her soldiers' orphan schools, 1,549 children, whose ages will range at that date from five to fifteen years. Forty-five of them will be eight years old and under, and three hundred and sixty-seven of them fifteen years of age.

It is believed that the people of the Commonwealth expect and intend that these children shall be maintained at their expense. How shall this be done, if done at all? It is possible that the very young children may be able to secure homes as allowed under existing laws; the remainder could be cared for in existing schools, the number thereof being diminished year by year until, say in June, 1895, only so many children would remain as could be easily transferred to and cared for in homes which are established and conducted by churches or charitable organizations. This

would be a simple and easy mode of disposing of the children already under the care of the Commonwealth.

Demand is made, however, in many quarters for the reopening of the doors of these schools, so that the children of deserving men, who served their country faithfully and have since died, might be admitted to the same privileges which have been enjoyed by those who were left in like condition in former years. It is difficult to see why any distinction should be made among these children. Those who are orphans now, are as needy and as deserving as those who received the benefits of the system ten years or more ago.

The question is by no means free from difficulty, and yet it is one which must be considered by the Legislature, and provided for as in its wisdom may seem meet.

If these schools are to be continued, or if the orphans of our deceased soldiers of the late war are to be provided for in some other way, it would seem well that their care and custody should be transferred from the Department of Public Instruction (already overburdened with its own legitimate work) to a separate department, as originally intended. We have now a Superintendent of Soldiers' Orphans who is the same as the Superintendent of Public Instruction, a male inspector and a female inspector, with a certain amount of clerical force belonging to the department.

It is believed that a superintendent, with the present clerical force, could much more satisfactorily and more economically administer the affairs of these schools, than is done at present under the divided responsibility which the diversified management entails. It is fair to say that this conclusion is shared by the present Superintendent of Soldiers' Orphans' Schools, and, also, by the male inspector.

Would it be possible to care for the children remaining in the schools on the first of June, 1890,

between the ages of eight and fifteen years, in, or in connection with, our State normal schools? Benefit would undoubtedly accrue to some of the normal schools by thus furnishing them pupils for their model schools. Some may, perhaps, have accommodations which could be utilized for this purpose. Some have expressed a willingness to co-operate in endeavoring to provide for the care and education of the children: The subject is not free from difficulty, and is merely suggested to your consideration as a possible way out of the complications which surround us. This whole subject is commended to your careful consideration and discreet decision.

It is, perhaps, proper to say that most of the schools have been visited by the Executive in person, and all have been carefully and thoroughly inspected by the present inspectors. The schools have maintained a good standing throughout the two years last past, for efficiency and general good management. Few complaints have been made, and such as have been received always investigated, and the abuses, if any were found to exist, remedied at once.

#### AGRICULTURE.

It is not necessary to commend to your consideration the general interests of agriculture, which are recognized as being at the foundation of our prosperity and essential to our welfare.

The State Board of Agriculture has done efficient work in various directions, and none better, perhaps, than what has been carried on under its auspices, in the holding of institutes for the discussion of practical questions relating to agriculture, in different parts of the Commonwealth. It is believed that the appropriations made for this purpose have been wisely expended and attended with practical and compensating results.

The Legislature, at its last session, made some pro-

vision for the encouragement of experimental work in connection with the Experiment Station at the Pennsylvania State College. Subsequently, what is known as the Hatch bill was passed, which provides an appropriation of \$15,000 per annum, by the Government of the United States, to each State which has already established, or shall hereafter establish, agricultural experiment stations, in connection with the colleges established in the several States under the provision of the act approved July 2, 1862, and of the acts supplementary thereto.

The experiment station thus provided for has been fully manned and equipped, and the appropriation made by the Legislature in part expended in providing buildings and other appliances for its successful work.

The results of the work of this station are published from time to time in bulletins, which are sent to all persons interested therein upon application therefor; the act of Congress, above referred to, allowing them to be sent through the mails free of charge. It is hoped that the dissemination of practical results, reached through careful experiments, may do much to diversify our agriculture and improve its practical operations. The appropriation made by the General Government must be used almost exclusively in carrying on the operations of the station; whatever may be needed in the way of buildings and equipment must be furnished by the State.

The provisions made by our own laws for preventing the spread of pleuro-pneumonia, have been carefully carried out with gratifying results. It was alleged, during the present year, that this dreaded contagious disease existed in Philadelphia and its vicinity, and that the United States authorities were anxious to co-operate in preventing its spread and destroying every vestige of it in that neighborhood. Investigations were made under the direction of the State officers.

and no occasion for the employment of additional means of prevention seemed to be necessary. The complaints were reiterated however, and it was claimed that the disease could not be thoroughly stamped out in New York, Baltimore and other quarters, so long as Pennsylvania refused to co-operate in securing through quarantine regulations, and a very careful inspection of all the neat cattle within the supposed infected district. The Executive was, therefore, finally induced to yield to those complaints, so far as to proclaim a quarantine within a radius of eight miles from the new city hall in Philadelphia. An agreement was made with the United States authorities, by which all the expense of the inspection of neat cattle within the quarantine district, and all damages for infected cattle which might be slain, should be paid by the United States. A careful and thorough inspection was carried on for months without the discovery of any well-developed and clearly-defined cases. A number of neat cattle were killed under the existence of suspicious symptoms, which might have developed into cases of this dreaded disease. The work has been carefully done, and is a gratifying tribute to the thoroughness with which our own work, under the State laws has been heretofore conducted. A proclamation has lately been issued abolishing the quarantine and it may be most confidently stated that no contagious disease exists in epidemic form within the recent quarantine limits, or in any part of Pennsylvania so far as is known.

#### SORGHUM CULTURE.

Pennsylvania consumes from 250,000,000 to 300,000,000 pounds of sugar annually. At a low estimate the sugar consumed within our borders costs our people \$15,000,000 each year.\*

Can we raise this costly product, at a profit, within



our own borders? Recent successful experiments conducted at Fort Scott, in the State of Kansas, would seem to indicate that it can be done by the cultivation and treatment of what is known as the sorghum plant. This is a cereal plant, the seed of which, in its chemical constituents, very closely resembles our Indian corn. After the seed is harvested, the cane is treated for sugar and the residuum can be utilized in the manufacture of paper, and is said to make a paper pulp second only to linen rags. Our sister States of Kansas and New Jersey have stimulated the cultivation of sorghum and the extraction of sugar from its cane by offering bounties. It is believed that it would be wise economy on the part of Pennsylvania, either to offer a bounty for the production of sugar at a certain rate per pound, or to provide for experiments to test the practical questions involved in the growing of cane on our soil, in our climate, and the manufacture of sugar therefrom.

Our State Board of Agriculture has provided for a day's discussion of this question at its approaching meeting, the present month, in Harrisburg. It is hoped that the subject may be brought more directly and fully to your attention by those who have given careful study to it, and have expended much time in the solution of practical questions connected therewith. It is confidently asserted that the experiments conducted at Fort Scott show that sugar can now be manufactured there from the cane at a profit, without State bounty.

The sooner this question is discussed and settled for Pennsylvania the sooner we are likely to meet the wants of our people, and profitably diversify our agriculture.

#### ROADS.

It is said that the civilization of a country is marked by its roads. If this be true, Pennsylvania cannot



claim to have highest rank in civilization. It is safe to say that no expenditure of public moneys yields so little in return as the road taxes of Pennsylvania. Our entire system of road laws—or rather our road laws which lack system—should be thoroughly revised and codified. They served their purpose when temporary roads were to be laid out and cheaply made through unbroken forests and over lands which had but little value. The time has come when it will be economy, in every way, to build our roads permanently and substantially.

The comfort of our people, economy in the transportation of our products, saving in the wear and tear of vehicles and animals, and the needless multiplication of highways, all demand that the laws governing the laying out and construction of our roads, should be radically reformed and systematized.

This may be considered a matter of minor importance, and yet it affects every inhabitant of the Commonwealth. We must all use at some time or other, in some way or other, our public roads. Their character and condition affect the breeding of our stock, the style of our vehicles, the carrying capacity of the farmer's wagon, and the speed and enjoyment of all who travel them for business or pleasure, either in the carriage, in the saddle, on the bicycle or on foot.

A thorough system should be devised and enacted by the Legislature which could be put into immediate effect by our older communities, and adopted by those which are newer as their ability and the wants of their people might require.

#### PROVISION FOR THE POOR AND FENCE LAWS.

Demand is also made, officially, by the Association of Poor Directors of the State, and, privately, by many localities and individuals, for a revision of our Poor laws. We have no general system for the care of and

provision of our poor. The laws upon this subject should, also, be thoroughly revised and codified.

The same may be said regarding our fence laws. Special acts are in force in many parts of the Commonwealth, being confined, in some cases, to townships. There should be some general system governing this subject which would be applicable to the entire Commonwealth. Unfortunately, what is known as the local option system, cannot be carried into effect because of the constitutional difficulties which attend it. It may be possible, however, to obviate this difficulty by dividing our lands into two classes, so that in the cleared and thickly populated districts, the burdens of maintaining fences might be removed from agriculture, and in those which are more sparsely populated and wooded, free range for cattle might be maintained.

A reduction in, or the entire abolition of, the cost of fencing, has been heretofore regarded as the great desideratum in the repeal of our fence laws. A new element, entirely, enters into the subject when we come to regard it from the standpoint of the preservation of the forests of the Commonwealth. Much of our young timber is wantonly destroyed in providing cheap fencing for cheap lands. This is a subject which will also demand your wise and considerate attention. Would it not, perhaps, meet the requirements of the case, if a commission were authorized to consider the whole range of subjects involved in our road, poor and fence laws, with the view of having them carefully studied, thoroughly systematized and codified, in accordance with the requirements of our present advanced civilization? A commission of gentlemen familiar with these subjects, and thoroughly competent to deal with them, could undoubtedly be secured, who would serve the Commonwealth without pay, and would give the benefit of their knowledge and expe-

rience, upon the mere payment of the expenses attending the duties of their appointment. If, however, you are prepared to finally pass upon these subjects at your present session, the better will it be for all the interests involved.

#### FORESTRY.

In accordance with the concurrent resolution of the Legislature, approved the 28th day of April, 1887, a commission of five persons was appointed by the Governor "to examine and consider the subject of forestry in Pennsylvania, and report the result of their labors, by bill or otherwise, to the next regular session of the Legislature." This commission, consisting of Hon. Washington Townsend, Prof. William A. Buckhout, Col. George B. Weistling, Rev. Samuel F. Colt, D. D., and Mr. George O. Praetorius, have given earnest, zealous, and faithful attention to the duties of their appointment. They served, under the provisions of the resolution, without compensation. They have rendered valuable service to the Commonwealth, and the result of their labors is herewith transmitted to you. The practical suggestions contained in their report are of value, and the legislation proposed by them should receive your considerate attention.

The subject of forestry is one of vital importance. The productiveness of our soil as affected by the rainfall, the health of the community, safety from disastrous floods now almost annually occurring, the future wood supply of the country, and the aesthetic considerations which center in and gather about it—all seem to demand that the subject should receive careful consideration at the hands of our Legislature.

It might be well to continue and enlarge the present forestry commission, with liberal appropriations for its actual expenditures, so that the investigation of the subject could be continued, and the result of the

work of the commission made known from time to time by bulletins, which could be distributed through the State Board of Agriculture, or otherwise as might be deemed expedient.

A meeting of the American Forestry Congress was lately held at Atlanta, Georgia, to which the Executive was invited to send delegates to represent Pennsylvania. A number of gentlemen, supposed to be interested in the subject, were appointed, and several attended. It is hoped that good results will follow. The work of the Pennsylvania Forestry Association, the chief branch of which is in Philadelphia, is heartily commended for the intelligence, zeal and enterprise with which it is conducted.

Arbor Day has been annually observed with increasing interest. In its observance, however, but little attention is paid to the actual planting of trees. If the people of any given community in the Commonwealth were to unite and arrange in advance for the observance of the day, by planting trees along the highways—if necessary, securing the consent of the individuals to plant them within the fence line—much might be done to add to their beauty and attractiveness and to give comfort to the traveler and practical benefits to the community.

#### EXEMPTION OF THE HOMESTEAD.

That Commonwealth best cares for itself which most fully protects and provides for the welfare of its individual citizen.

It is the part of wisdom to secure for every family a home of its own, and to insure the interest of the members of the family in the practice of individual economy and care in the expenditure funds. To this end, every encouragement possible should be extended by law to every member of the family to render all the assistance possible in securing a homestead. It re-

quires neither argument nor illustration to prove that the man who owns his own home becomes, thereby, a better citizen. He should be stimulated in every proper way to acquire such a home. His wife and his children should be encouraged to assist. What encouragement, under our present system, is there when, after the family have striven together to secure a home of their own, the improvidence of thriftlessness of the head may lead to its loss?

Without in any way interfering with our present exemption law, would it not be a great encouragement and help to many of our ordinary wage-earners and their families, if a real homestead exemption law were enacted, which would exempt from levy and sale, the actual homestead occupied by the family—say, to the value of \$600? This would make the property exempt by laws less than \$1,000, which is the amount exempted in many of our States. The passage of such a law is cordially commended to your serious consideration, with a clause forbidding a waiver of the benefits of the law, under any circumstances, by the head of a family. A good home is not an ideal thing. It can be had by every family of ordinary health, exercising ordinary prudence and economy, if encouragement is afforded to its members to work together for the accomplishment of such an object. An exemption law, such as is proposed, and the practical operations of our present building association laws, it is believed, afford both the opportunity and the encouragement required.

#### AMENDMENTS TO MINING LAWS.

Practical suggestions, relating to the amendment of our present mining laws, will be laid before you by those specially interested in the subject, in the shape of amendments to, or a revision of, the present laws.

As heretofore intimated, the men who are spend-

ing their lives, in large part, under ground, developing our mineral resources, and incurring unusual dangers thereby, should be protected to the fullest extent by wise and wholesome provisions relating to the care and inspection of our mines. Our mine inspectors are men of practical intelligence, and are believed to be wholly devoted to the discharge of the duties devolving upon them. Their recommendations are entitled to careful consideration, and, in so far as they relate to practical methods for increased efficiency in the inspection of our mines, and the preservation of the lives, health and safety of our miners, are cordially commended to you for your judicious action. Their reports are not ready for submission, but will doubtless be laid before you during your present session.

#### COMMERCE.

How shall we encourage our commerce? How shall we secure the shipment of the products of our own mines, mills and manufactories, from our own port to other ports along the coast of our own country and of other countries who are our neighbors, and whose trade naturally belongs to us? How shall we encourage investments in steamship lines, which shall extend and develop trade with the neighboring Americans, carrying our products to them and bringing theirs to us in return, without sending them in foreign bottoms, through foreign ports, to be paid for in foreign exchange, drawn upon foreign banks by foreign bankers? Whatever tends to this end helps to remove a stigma which rests upon our country, provides employment for many of our people, stimulates ship building on the shores of the Delaware, employs capital, not only in the carrying trade, but in mercantile pursuits, and aids in building up our great seaport for the benefit of all.

We are naturally prone to look to the general gov-



ernment for assistance in this direction, and, in the expectation that it will be rendered sometime, sit down and wait. It is believed that something can be done now in this direction through your aid.

The first requisite of a foreign and coast-wise commerce is a harbor. Philadelphia must have her harbor greatly improved and enlarged if she is to command the commerce which is rightfully and naturally hers. The channel must be widened, deepened and extended. In order to do this, formidable obstructions which lie in the path of progress, must be removed. Smith's and Windmill Islands, which constitute a formidable obstacle to navigation and lie directly in the harbor, must be purchased from their owners and entirely removed, and some one hundred and forty acres of Petty's Island cut away. It is proposed to give to the harbor of Philadelphia a channel from the upper part of the city to Delaware Bay, six hundred feet wide and twenty-six feet deep at mean low water. The entire cost of this work, when completed, will exceed \$6,000,000:

An appropriation for \$500,000 for beginning the work has already been made, with this important proviso: "That no part of this sum shall be expended until the title to the lands forming said islands—[viz: those hereinbefore referred to,] shall be acquired and vested in the United States without charge to the latter, beyond \$300,000 of the sum herein appropriated."

Proceedings to condemn these islands for public use, have been already commenced. It is believed that the amount necessary to pay for them, under condemnation proceedings, will equal \$700,000 to \$800,000. The work cannot be commenced until this is paid and the title transferred to the United States. Of the sum necessary to secure the title, no more than \$300,000 can be had from the general government. How can



the balance be secured? You will be asked to contribute, by an appropriation from the State treasury, \$200,000 or perhaps more, for this purpose. It would seem to be a proper expenditure for a worthy purpose. The entire State is interested in securing an ample harbor for our main seaport. Much of our mineral product is, and more would be, shipped from there, and a market for many of our manufactured articles would be found, if our harbor were in such condition as to attract the trade which naturally belongs to Philadelphia.

The details of this subject will be laid before you in due time and to them your favorable consideration is earnestly invoked.

A small lithograph showing the proposed improvements, which will more clearly convey an adequate idea of them, is herewith submitted.

#### RAILROAD INTERESTS.

Your attention is respectfully and earnestly called, as that of former Legislatures has been by previous Executives, to the necessity for well considered legislation to carry into effect the Seventeenth article of the Constitution. No argument is needed to enforce the majestic command of our fundamental law in this regard, which is that: "The General Assembly shall enforce by appropriate legislation the provisions of this article." Constitutional requirement, plighted political faith, and the highest welfare of all concerned, demand the discharge of this duty by the Legislature. It is a mistake to suppose that proper legislation upon this subject is, or ought to be, in any way inimical to the best interests of our carrying corporations.

The subject is to be viewed from the standpoint of three several interests: the Commonwealth, the corporations themselves, and, most important of all, the people.

The Commonwealth creates them. She is interested in their welfare. A large part of her revenues is derived from the taxes levied upon them. It is both her duty and her interest to see that they prosper. She must see that her creature does not command its creator; but, being her creature, she must see that its interests are promoted and protected. The highest interests of the corporations will be themselves promoted by proper legislation in the direction indicated and required by this article of the Constitution. Its provisions were not intended to cripple the prosperity or hinder the operations of these corporations. It was believed when this article was framed, and it is believed now, that its wholesome provisions, fairly wrought into appropriate legislation and faithfully carried out by the corporations themselves, would result in the highest prosperity of these necessary factors in modern civilization and progress.

The interests of the people are also to be considered and guarded—of all the people, those who have their limited livings locked up in the stock of our railroad enterprises, as well as those who out of the abundance of their means are able to invest largely therein, but are not dependent upon their dividends for support. Those who ship and those who receive; those who are developing our vast mineral resources, and must necessarily ship the product of our mines to market; those who are manufacturing, and must receive the raw material and transport the finished product through the help of our railroads; those who are tilling the soil and depending upon transportation for a market. All these interests are in a sense identical. All are to be conserved and promoted by wise and judicious legislation which shall enforce the provisions of the **Seventeenth article**.

Another subject, which concerns alike the interests of our railroads and the people in general, is merely

mentioned and commended to your consideration. It is the question of grade crossings. The protection of the lives of our people and of the property and treasures of our railroads demand that, wherever practicable, the grade crossings should be abolished. This is particularly true of cities where street traffic is impeded and the busy tide of humanity constantly endangered.

A bill which passed the last Legislature relating to this subject failed to meet the executive approval, because of the failure of its title to fairly indicate its contents; and, secondly, because it provided, among other things, for the proportion in which the damages resulting from the abolishing of grade crossings should be paid by the companies themselves, and the cities to which the bill related. This provision seemed to be of doubtful expediency, even if it were entirely constitutional.

It is hoped that some wholesome provision may now be enacted by the present Legislature, which will serve to introduce a wise system through which this check to traffic and danger to lives may be minimized and finally avoided.

#### PENAL AND REFORMATORY INSTITUTIONS.

The subject of penology is a branch of social science which is receiving marked attention at the present time. How to deal with convicted criminals, so as to reform those capable of reformation as soon as possible and return them to society as producers, is a problem which has long demanded wise solution. It is believed that Pennsylvania is in a situation to render valuable practical assistance in solving this question.

The Legislature at its last meeting passed a bill in relation to the imprisonment, government and release of convicts in the Pennsylvania Industrial Reformatory at Huntingdon, which was approved the 28th day

of April, 1887. In conformity with the provisions of that law, and upon the presentation of a certificate by the Commissioners charged with the duty of erecting the buildings of the said reformatory, that the grounds were fitted and the buildings made ready for furniture and industrial equipment, they were, on the 15th day of May, 1888, formally delivered to the Executive, who, in turn, transferred them to the care and custody of five managers, provision for whose appointment was made in the act referred to. The managers appointed for the government and control of the said reformatory are Hon. H. G. Fisher, Colonel W. W. Jennings, Hon. Samuel McCamant, Hon. Alexander Port, and Henry B. Tyler, Esq. They immediately assumed the discharge of the duties imposed upon them by the said act; have furnished the buildings in part, selected a superintendent, and provided in a general way for the reception of inmates. Inasmuch, however, as no appropriation was made by the last Legislature for the expenses connected with the care and maintenance of inmates, they have been unable, as yet, to certify their readiness to receive them.

In order to put the institution into practical operation at once, it is recommended that the managers be authorized, by a concurrent resolution of the Legislature to use funds appropriated for furniture and other purposes, now in the treasury, for maintenance, until an appropriation for the latter purpose can be regularly secured. If this were done the Governor would be able to make proclamation, as required by the eighteenth section of the act aforementioned, and the courts of the Commonwealth exercising criminal jurisdiction, could, thereupon, sentence those who are, under the law, entitled to admission therein, to the said Reformatory. This is important, not only because it is desirable to send all new cases, entitled to the benefit of the act referred to, immediately to the

Reformatory, but because there should be a transfer from the Eastern Penitentiary, which is crowded with inmates, of such as are entitled to the benefits of the new institution.

The managers of the Reformatory are to be congratulated upon their success in securing, as superintendent of the new institution, Major R. W. McLaughry, formerly warden of the Joliet prison in Illinois. He comes to Pennsylvania with large experience and a reputation for unusual ability, and is in hearty sympathy with the advanced thought of penologists in regard to the care, custody and reformation of criminals.

Work upon the Western Penitentiary has steadily progressed and now approaches completion. In its construction and management this institution compares favorably with any of its class elsewhere. Difficulty has been experienced in providing work for the inmates. If prisoners are to be reformed and returned to society better than when their imprisonment commenced, they must be furnished with some employment. This is as important from the standpoint of the reformation of the criminal, as from that of his ability to provide for his own maintenance while in prison. It may be that some legislation upon this subject will be necessary. If so, it is to be borne in mind that the reformation of the criminal is the first consideration, and that no question of profit arising from his labor should be allowed to influence us in the disposition of the subject.

The Eastern Penitentiary continues what is known as the solitary confinement plan, so far as its crowded condition will permit. It may well be doubted whether this system, which has long prevailed in Pennsylvania and elsewhere, is the best for the reformation of criminals. What can be more unhealthy, morally, than the thoughts of a man, morally unhealthy, turned in upon himself. It is not intended, at this time, to

recommend any radical change in the management of this institution, and yet it is not by any means certain that great improvements, so far as the system under which its inmates are treated is concerned, cannot be made. The institution is economically managed and its interests carefully guarded. The management is to be commended in that it returned to the State Treasury, out of the appropriation of \$2,500 for covering the walls surrounding the penitentiary, as made in the second section of the act of the 2d of June, 1887, the sum \$1,291.

The House of Refuge in Philadelphia is about to make a new and important departure. Through the liberality of two of our citizens, large funds have been placed at their disposal for the purchase of a farm and the erection of new buildings. These donations, in connection with the value of their present property, which they will be able to sell after the new institution is completed, will go far toward providing accommodations for an increased number of misguided youth and boys who need the restraints and training of that worthy institution. It is probable that application will be made to you for assistance in carrying out the plans of the managers. If so, the institution and its present plans are commended to your favorable consideration, in case the finances of the Commonwealth will warrant you in making appropriations for the purpose.

The Reform School at Morganza is successfully doing its work. It is believed, by its managers and friends, that a separate general gathering room for the girls should be provided, in which they could receive instructive practical talks, in matters relating to their sex, from instructors and others. A moderate appropriation for this purpose is recommended.

All our penal and reformatory institutions have been visited by the Executive, and an effort made to be kept



fully informed of their condition and wants, as well as of the efficiency of their management.

It is hoped that with the completion of the Huntingdon Reformatory, its opening for the reception of inmates, and the completion of the buildings of the Western Penitentiary, we will have abundant provision for the care and custody of our criminal classes for many years to come.

#### CARE OF THE IDIOTIC AND INSANE.

Pennsylvania has made large and liberal provision for the care of her insane. Some of the best institutions in the country, adapted to this purpose, are found within her borders. Four exclusively State institutions, and one which has been built and maintained largely by State aid, afford accommodations for probably four thousand of this unfortunate class of our fellow citizens. All of these institutions, it is claimed, are filled with inmates who are properly maintained at public expense in a hospital for the insane.

The policy of recent legislation, as enforced by the authorities carrying into effect, has been to compel the county commissioners of the several counties, which provided accommodations for their own insane, to send them from the county homes to State hospitals. The effect of this policy has been to empty our county homes—in many cases well provided for caring for a certain class of the demented and idiotic—of their inmates, and forcing them into our hospitals for the insane, where the expense of their care and maintenance is largely increased without any compensating advantage. It is believed that fully twenty five per cent of the inmates of our present hospitals for the insane, who receive no medical treatment whatever and but little of supervision, could be cared for with as much, or more, comfort to themselves—and certainly to the comfort of other inmates—at not more



than one-half the present expense, if they were transferred to well-regulated and reasonably-equipped county homes. Many of our county institutions have such provision, and their authorities have been much annoyed by the apparent legal necessity of transferring them to our hospitals for the insane.

This subject is receiving, as it should, serious consideration by our Board of Charities and the trustees of some of our hospitals. The additional expense thus incurred is not the only disadvantage resulting from such a policy. The filling of our hospitals with such cases, crowds them to such an extent, that it is difficult to provide for the care and proper treatment of recent acute cases, which should always receive immediate attention. This policy also prevents, or tends to prevent, the reception of private patients in need of medical attendance and hospital care and treatment, whose friends would be glad to pay a reasonable price for their maintenance, but who are unable to pay the rates charged at private institutions, and are unwilling to have their friends pauperized.

This subject is one of very great practical importance. If some curative remedy is not applied, there will be immediate necessity for the erection of additional accommodations for our insane, involving the expenditure of a large amount of money. If cases, of the class referred to, were returned to the several counties to which they belong, which already have provision for their maintenance, and the Board of Charities (if not already authorized so to do) were empowered to insist upon proper provision for them in such counties as have not already made it, it is believed that no necessity for the erection of new hospitals would arise for several years to come.

This would undoubtedly be true, if the present plans for enlarging and rebuilding the hospital for the insane at Harrisburg were carried out. These plans seem to

be judicious, and the necessity for their being immediately carried into effect, in the opinion of the trustees, apparent. The present main hospital building—never well planned or properly constructed—is very old and ill suited to present needs and modern requirements. The chapel is entirely inadequate to the wants of the institution. No separate room for amusements is provided for the inmates. The kitchens and store rooms are neither well planned nor properly located, and the general appointments of the hospital are not, in any way, equal to our other State institutions. Whatever appropriations may be properly made for the increase of accommodations for the care and custody of the insane, should undoubtedly be made for this institution. Whether or not you will be able to meet the wishes of the trustees in regard to future improvements, will depend very largely upon the legislation of the present session affecting the revenue. Unless the effect of such legislation shall be in the direction of largely increased revenues, it is safe to say that any appropriations for this object would be inappropriate.

#### SOLIDERS' AND SAILORS' HOME.

The last Legislature made generous provision for the increase of accommodations for the care and comfort of the aged and infirm veterans of the late war, at the Home at Erie. It is believed that, when the improvements now in progress are completed, all the demands which are likely to be made upon this institution for several years to come, will be easily met. You will be asked to make appropriation for the care of several hundred of our old veterans. The expenditure of money for this purpose is more seeming than real, inasmuch as, by virtue of the provisions of a late act of Congress, one hundred dollars a year for each inmate maintained in this State Home, will be returned by the United States government to our State Treasury. The amount thus appropriated by the general

government will not fully maintain an inmate of our Home, but it will supply more than the one-half part of the cost thereof, and will thus practically reduce our expenditures in that direction to that extent.

The Home is in excellent condition, under good and careful management, and is proving in practice all that it was designed to be by its promoters and founders. The Commonwealth has done a good work in establishing it, and will do well to maintain it.

#### CERTIFICATE TO HONORABLY DISCHARGED SOLDIERS.

No provision has ever been made by the Commonwealth for recognizing the services of the individual citizen who volunteered to serve the country in her behalf, during the war of secession.

Some States have recognized such services by a medal; others, by an engraved certificate. The subject has been brought to the attention of the Executive, with the request that his views thereon be communicated to the Legislature. Such recognition is eminently proper, and it is recommended that provision be made for furnishing, through the Adjutant General's office, to each Pennsylvania volunteer honorably discharged from the United States service, who shall make application therefor, an engraved certificate which would be at once a recognition of his service and an acknowledgment of the gratitude of the Commonwealth therefor. Such a certificate would be especially gratifying to those who have neither commission nor warrant to testify of their service.

#### GETTYSBURG MEMORIALS.

The commission appointed under the provisions of the act of the 15th of June, 1887, making an appropriation for the erection of memorial tablets or monuments to mark the position of Pennsylvania commands on the battlefield of Gettysburg, has made commendable progress in their work. Many of the monuments have already been erected, for others contracts have been

made, and it is believed that most of the organizations entitled to the benefit of the act will be ready to avail themselves thereof so as to dedicate their monuments on or before the 21st day of May next. It is proposed to hold general services in connection with the dedication of all Pennsylvania monuments on the day named. The ceremonies will be interesting, and their historical value undoubtedly great. Our sister States have provided in a generous way for these ceremonies and for the publication of the proceedings incident thereto. It is recommended that the commission, heretofore appointed to supervise the erection of these monuments, be authorized to collect and publish these proceedings in full, in a manner commensurate with the dignity and importance of the occasion, for preservation in our public libraries and for such further distribution as the Legislature may deem proper.

#### NATIONAL GUARD.

The National Guard encamped by division in the summer of 1887, and by brigades in the summer of 1888. It maintains its high standard of discipline and efficiency, and has made a decided advance in skill in marksmanship. A State rifle range has been established at Mt. Gretna upon the Coleman estate. Through the liberality of Robert H. Coleman, Esq., the ground for the range has been leased to the State for twenty years without rent. At the request of the Executive, Lieutenant James A. Leyden, Fourth Infantry, U. S. A., was detailed by the Secretary of War to superintend the erection of the range. His large experience in such work rendered him peculiarly well qualified for its supervision, and it is in great part due to his ability, zeal, and knowledge, that the State is possessed of such an unusually fine rifle range.

The brigade and regimental matches were shot at the State range during the autumn, and greatly stimulated the interest in rifle practice. The Thirteenth

regiment has qualified every officer and man as a marksman, with a large proportion of sharpshooters, and such has been the interest in rifle practice throughout the entire Guard, that about thirty-eight per cent. of its members have qualified as marksmen during the last season.

#### APPEAL FOR MILITARY ASSISTANCE.

During the month of July, 1887, serious disturbances occurred in the coke regions of Westmoreland county which, it was feared, might lead to trouble. The sheriff of the county made formal application to the Executive for military interference. He (the sheriff) was confined to bed by the result of a serious accident, and was probably influenced by exaggerated reports which were carried to him. Careful inquiry as to the nature of the disturbances, led to the belief that the civil authorities ought to be entirely able to quell them. The sheriff was so informed, with the further information that the military must not, under any circumstances, be used, except in a case of clear and dire necessity. This determination led to the employment of the resources at his command, and the disturbances were quelled without bloodshed or serious difficulty. No other formal demand has been made during the past two years for military assistance.

#### BOARD OF HEALTH.

The annual report of the Board of Health will give you detailed information as to the work performed by it. It has done much, in various ways, in ascertaining and pointing out the sources of epidemic disease and has shown wisdom and discretion in dealing with cases brought to its attention. It has done good work, and is capable of being still more useful, if its authority were extended and its power increased. Its work is, in the very nature of it, very largely preventive, but is none the less valuable on that account.

## BOARD OF CHARITIES.

The services rendered by the Board of Charities are such as to attract little attention, and to provoke little general comment. They are of great value to the Commonwealth, however, and have been performed, during the past two years, with zeal and fidelity. The Board is composed of gentlemen of high character, who render valuable service without compensation. Their work is to be commended and their recommendations are entitled to respectful and favorable consideration.

## SECRETARY OF THE COMMONWEALTH.

Inasmuch as no provision of law is made for a regular formal report by the Secretary of the Commonwealth, it has been deemed advisable to have him prepare a summary of the work done in his office. This is transmitted herewith, so as to give you information of the growing importance of the work in his office, and also, a general idea of its scope and magnitude.

Some provision should be made for preserving more carefully ancient documents of which he is the custodian, and of arranging and putting in accessible shape the great mass of official papers which have been deposited in disgraceful confusion in the loft of his office.

## ATTORNEY GENERAL.

The report of the Attorney General is unusually full, and will give you complete details of all information as to the work of his office, and the able and satisfactory manner in which it has been done.

Special attention is called to his statement of the facts of the purchase, by the Western Union Telegraph Company, of the Baltimore and Ohio Telegraph Company, of Pennsylvania, and the consequent merger of competing lines. Although investigation of this subject has been going on for some time, it was not deemed



expedient to begin legal proceedings until all the facts necessary to establish a merger were thoroughly in hand. The case is one of so much importance that it will be carefully conducted, with a full knowledge of all the difficulties attending it, and a determination to test, fully and fairly, the validity of the provision of the Constitution and laws relating thereto.

#### DEPARTMENT OF INTERNAL AFFAIRS.

Great difficulty has been experienced in the Bureau of Statistics, connected with the Department of Internal Affairs, in securing proper returns to circulars sent out for the purpose of gathering industrial statistics. These returns are neither so general nor so full as to render our industrial statistics of any great value. It is believed that, in order to give them the value which they ought to possess, it will be necessary—as has been done by other States—to employ special agents to travel throughout the State gathering the statistics for the Bureau. Two or three skilled men, well equipped for the work and with a previous knowledge of what is required, could undoubtedly accomplish results which would be both reliable and valuable. Our statistics have never embraced our agricultural products, and the need of such statistics is constantly felt. The employment of two additional persons, well equipped for the work in the Bureau of Statistics, with a liberal appropriation for traveling and general expenses, would enable this Bureau to secure information which would be of great value to our own citizens, and to those seeking information from outside the State, both as to the agricultural and manufacturing interests of the Commonwealth.

There are, in the Department of Internal Affairs, some one hundred and fifty thousand copies of ancient surveys and other papers, which, by age and handling, have become to some extent illegible and are in dan-



ger at least of being partially destroyed. Provision should be made for copying such papers. The force in the Department will not allow of its being done to any great extent in connection with the regular work of the office. It is believed, however, that if authority were given the Secretary to employ an additional thoroughly skilled draughtsman, he, with the aid of the regular force in the office, might be able to accomplish very much in this direction.

These subjects are commended to your careful consideration with the recommendation that the Secretary be authorized to employ additional help in the Bureau of Statistics, and one person, for at least two years, to take charge of the copying of surveys and other papers likely to be rendered valueless by reason of their age and dilapidation.

The circular boundary line between the State of Delaware and the State of Pennsylvania is not clearly defined. If the co-operation of our sister State can be secured, it will be well to make some provision for having this line surveyed and clearly marked.

Some provision should also be made for the repair and restoration of the monuments which mark the boundary lines between Pennsylvania and other States. No adequate provision is now made for this purpose.

#### STATE LIBRARY.

The report of the State Librarian will give you information as to the admirable work which he has done, in the past two years, in classifying and arranging the library, and the excellent result attained in making additions thereto with the limited means at his disposal. The present plan of strengthening the library in rendering it more valuable for reference, and less a circulating library for the dissemination of light literature, is heartily commended. Liberal appropriations for the purchase of books relating especially to the State of Pennsylvania, and such works of reference as

cannot in the nature of things, be found in private libraries, are recommended. The number of our published State documents placed in the hands of the Librarian for exchange with other States and countries, should be very largely increased. He can make very profitable use of them in securing exchanges which will add largely to the value of the library, and, whatever can be so used, should be given him for that purpose.

Some systematic plan should be devised by which all the publications of the State may be placed in our public libraries, and by which the libraries of the State might be brought into communication with the State Library. If a sufficient number of all the publications of the State were placed in the hands of the Librarian, to enable him to give to each library reporting to him upon blanks furnished for that purpose, we would secure valuable statistics as to the number of libraries in the State, their condition, value and character, and could benefit them by placing our public documents upon their shelves, at the same time preserving for reference and future usefulness these documents which are often improvidently scattered in directions where they are neither appreciated nor useful.

Authority has heretofore been given for the publication of five additional volumes of the second series of the Pennsylvania Archives, but no provision has been made for editing and transcribing them, and for the expenses necessarily connected therewith. It is recommended that such provision be made by the present Legislature. The material is at hand, and the work one of acknowledged importance.

#### BOARD OF PARDONS.

The work done by the Board of Pardons will commend itself to your deliberate judgment and that of the people, as judicious, conservative and wise. No effort has been made to make a record by refusing par-

dons which should have been granted, and a careful survey of their work leads to the belief that such as have been granted were based upon sufficient grounds. The conclusions of the Board are of so much interest, and the grounds upon which those conclusions are based of so much importance, that the reasons upon which executive clemency was recommended, as required by the Constitution, are transmitted to you herewith in full. The schedule containing the number of pardons and commutations granted will be found in the report of the Secretary of the Commonwealth.

#### PROVISION FOR LEGISLATIVE AND EXECUTIVE DEPARTMENTS.

Reference has already been made to the necessity which compelled the Executive to refuse his assent to the bill, passed by the last Legislature, for erecting a new Executive Department and repairing the present legislative building. Necessity for some such provision is still more apparent. The present legislative building, which is a splendid specimen of Colonial architecture, should by all means be preserved in its purity, and, as nearly as possible, as originally built. It is in a good state of preservation and can be easily remodeled so as to give as good accommodations for the Legislature as could be had under any circumstances in a new structure, if the entire building were surrendered for its exclusive use. To do this, however, provision must be made for other departments, which, at present, find accommodations in this building. One new fire-proof building for the accommodation of the Executive Departments, the Library and the art treasures of the Commonwealth, would, together with the present buildings, give all the accommodations needed for many years to come. Such a building, with the expenses connected with a thorough remodeling and repair of the other buildings referred to, ought not.

under any circumstances, to cost more than \$1,000,000. Might it not be well to provide for the erection of such a building, limiting the entire cost of new building and repairs to the sum named; provided that no steps should be taken nor any money expended in and about the erection thereof, until the money due the State of Pennsylvania from the United States government (provision for the return of which is made in the Direct Tax Bill now pending in Congress) should be received?

Preliminary arrangements were made, during the recess, by the city of Harrisburg, for paving some of the streets around the capitol grounds. If such preparations were renewed during the recess of the Legislature, authority should be given to the Board of Commissioners of Public Grounds and Buildings to contract for the paving of so much of such streets, authorized by the city authorities to be paved, as would fall to the share of the Commonwealth.

In case such paving were done, it would be well, also, to authorize the removal of the iron fence now surrounding the capitol grounds (if no other provision be made for its removal), which is of no practical utility but rather detracts from their beauty. It is possible that little grading would be necessary in the event of such removal, and no expensive coping need be used to supply the place of the fence.

#### EXECUTIVE MANSION.

Under the provision made by the last Legislature for the repair of the Executive Mansion the work has been thoroughly done. The mansion has been, so far as the front is concerned, practically rebuilt, and numerous improvements (especially relating to the drainage) made throughout the entire building. In addition to the substantial architectural adornments and improvements which can be seen, thorough work has

been done in directions which are not visible. The soil drains have been removed entirely from the cellar and carried outside the house through the alley into the river, below low water mark, and the most approved appliances for thorough drainage adopted. In this respect the work has met the approval of the Board of Health. The building is dignified and impressive, as becomes a public edifice belonging to a great Commonwealth, and is comfortable throughout.

The main items of expense connected with the improvements were confined within the limits of the appropriation. The heating, lighting, decorating and such parts as could be considered as furnishing, were provided for, however, in the ordinary way through the annual schedule. In this way the work has been well done, although the plans of the architect were not fully followed out, inasmuch as they involved a greater expenditure in some directions than was warranted by the appropriation.

#### LAW AND PRACTICE.

The present criminal code of Pennsylvania, known as the code of 1860, is a monument to the learning and ability of the commission which reported it. It is recognized at home and abroad as a master-piece of skill and legal acumen. It was a great advance upon the criminal laws which preceded it, and has stood the test of time, experience, and judicial interpretation.

It is believed that the necessity for similar work and like reform exists in regard to the laws regulating decedents' estates and the practice of our orphans' court. These laws might be greatly simplified, and the expenses connected with the settlement of decedents' estates greatly lessened, if a commission, similar to the one which reported our criminal code, were appointed, and the subject carefully considered and equally careful and conscientious work done. There is also a feeling among the members of the legal profession (and,

to some extent at least, among the judges of the courts) that the rules regulating the practice in the several courts of the Commonwealth—which are now diversified, and are prepared and adopted in each judicial district separately—could be greatly simplified and made uniform, as is the case at present with the rules regulating the equity practice of the courts. This is a subject which only incidentally commends itself to the attention of the Legislature. If, however, the Executive were authorized to appoint a commission consisting of, say, two judges of the Supreme Court, three of the common pleas judges, and five members of the bar, the experience of all the courts and of the bar could be aggregated, and a system of rules formulated, which, when promulgated authoritatively by the Supreme Court, could become the rules of all the courts of the Commonwealth. It is believed also that the valuable time of our Supreme Court could be used to much better public advantage if its minimum jurisdiction in civil cases were limited to the maximum jurisdiction of justices of the peace. The right of appeal in all civil cases, involving less than three hundred dollars, would thus be taken away; but such removal would not only be of great benefit to the courts and to the public at large, but would also be a real benefit to litigants whose expenses in such cases usually overrun the amount involved. Injustice arising from such a provision could be easily prevented by allowing application to be made to one of the judges of the Supreme Court, at any time, for special permission to take a writ of error in all cases where parties or their attorneys might deem the question of sufficient importance to be passed upon by the highest judicial tribunal.

These changes, it is confidentially believed, would so lessen the work of the Supreme Court, that its judges would be enabled to give more considerate hearing



to arguments, and attention to the preparation of opinions in such cases as would come before them.

Apparently well-founded complaint is made, both by the members of the court and by those who practice before it, that the multitude of cases to be heard prevents full hearing and consideration. The members of this court are compelled to write their own opinions and do all the work pertaining to their responsible place, without the aid of a stenographer, typewriter, or any other clerical help. The labor thus entailed is enormous, and the wonder is that it has been so long and so faithfully performed without greater protest. If provided with clerical help, and the number of cases to be heard by them were limited and lessened (as it is believed it would be by the changes above referred to), the judges of our Supreme Court would be in a situation to meet what seems to be a demand of the profession and of the public, viz: that each case should be considered fully, and all the points involved in it decided and commented upon in a well considered opinion. All the opinions of the court could then be published in our official State Reports, instead of such only as are marked for report by the court, leaving the publication of others for private enterprise, as at present.

These various subjects are of so much importance, and bear so directly upon the general public welfare, that they are commended to your serious consideration and wise action.

The American Bar Association has, for several years, agitated the necessity for the adoption and enforcement of laws regulating marriage and divorce in the several States. An act to prevent fraudulent divorces, which has already been passed by several of our sister States, is so brief and pointed and its provisions so wholesome, that it is commended to your favorable consideration. The same may be said of an act concern-



ing foreign marriages, by the provisions of which the cases in which the validity of marriages celebrated abroad will be recognized in this State are fully set forth. These several laws, as well as an act relating to acknowledgments of instruments affecting real estate, by which it is sought to secure uniformity in the several States in this important particular, are cordially commended to your careful consideration.

The elaborate act of Assembly providing for the division of the cities of this State into several classes, and making general provision for their government, approved the 24th day of May, 1887, known as the Municipal Act, has, as you are doubtless aware, been declared to be invalid by the Supreme Court. The grounds upon which the decision of the court rests, have not yet been made public, but an official reference to the decision has been made, so that it is well understood that the court will finally declare the law unconstitutional. In view of the fact that many of our cities have elected officers, and have carried on their government under its provision, it is important that some law, which will take its place, should be passed as early as possible after you have fully organized for the transaction of public business. It is believed that a law can be passed which will obviate the objections to the one referred to, and such a law, it is understood, is now being prepared by a municipal commission composed of representatives of the several cities of the Commonwealth. The work of this commission is commended to you for early and considerate attention.

An effort was made in August, 1887, by a convention of representatives of the several States, to secure uniformity in the extradition of persons charged with crime. The details of this effort, the results of the conference, and the rules adopted thereat and since put into practice, are fully set forth in the reports of the Attorney General and Secretary of the Commonwealth, to which you are referred for full information.

## INSURANCE.

The litigation growing out of the disputes in regard to the payment of policies which insure against fire, has been both vexatious and burdensome. The most of it arises under the conditions attached to a policy which are scarcely read, and, if read, not understood by the average business man. It is believed that our best insurance companies have already adopted, of their own motion, a practically uniform policy, the provisions of which are fair and generally understood. It is recommended that provision be made for the adoption of a standard insurance policy, to which all policies, issued in this State insuring against fire, must be made to conform. This can be done either by setting forth the terms of the policy in the law itself, (as is done in the State of Massachusetts) or by authorizing the Commissioner of Insurance to prepare and file in the office of the Secretary of the Commonwealth, a policy which shall be considered the standard, and to which, when so filed, all policies issued within the State must be made to conform. No injustice can be done to any person by the enactment of such a law, and it is believed that much trouble, annoyance and litigation can be saved.

Your serious attention is also called to the existence of what is known as child insurance. It is liable to grave abuse. Measures are being taken in England and elsewhere for the prevention of the abuses which grow out of it, and it is believed that these abuses can be best eliminated and prevented by a total abolition of the right to insure the life of a child under sixteen years of age. Infancy is helpless. It cannot protect itself against greed; and our laws should not allow the opportunity for satisfying avarice at the expense of child-life. Late developments within our own State

upon this subject, must bring us to the conclusion that action thereupon cannot be taken too soon.

#### CENTENNIAL AND OTHER CELEBRATIONS.

There was held in the city of Philadelphia on the 15th, 16th and 17th days of September, 1887, a celebration to commemorate the centennial anniversary of the framing and promulgation of the Federal Constitution. Your immediate predecessors made liberal appropriation for the proper observance of this great occasion, and it is proper to say that it was celebrated in a manner which befitted its dignity and importance. The commission having the celebration in charge, returned to the State Treasury \$6,979.54 of the appropriation made therefor, as unexpended.

The celebration is to be perpetuated by the publication of two illustrated volumes of rare value, which are now being published for limited distribution by the commission. The present edition of these volumes is very expensive. It is believed, however, that a new edition, say, one thousand volumes might be secured by the appropriation of the amount of money received from the State and returned by the commission as unexpended. If provision were made for placing these volumes in each and every one of the public libraries of the State, numbering perhaps five hundred or six hundred, and the balance distributed as to the Legislature might seem meet, it would be a wise expenditure of this fund; and such a disposition of it is hereby recommended.

On the 29th of April next there will be held in the city of New York, and also in the city of Washington, celebrations to commemorate the centennial anniversary of the inauguration of George Washington as the first President of the United States. It is fitting that Pennsylvania should be worthily represented at both of these ceremonies. At the request of the general

committee in New York, a commissioner to represent Pennsylvania in preliminary consultations was made, and John W. Woodside, Esq., of Philadelphia, appointed. Beyond the mere statement that Pennsylvania should be so represented at these important commemorative events as becomes her dignity, importance and proximity to the place of their celebration, the Executive has no special recommendation to make.

A World's Exposition is to be held during the present year in the city of Paris. Pennsylvania's industries and enterprise will be represented there. This, however, will be done by private individuals and will involve no expenditure on the part of the State. It is recommended, however, that authority be given to the Governor to appoint a number of honorary commissioners, to serve without compensation, who could, in some sense at least, worthily represent the Commonwealth at this exposition and render assistance in various ways to her visiting citizens.

#### IN MEMORIAM.

It is the painful duty of the Executive to announce to you the death of Colonel A. Wilson Norris, who, at the time of his decease, was the Auditor General of the Commonwealth. He died at his residence in the city of Philadelphia on the 21st day of May, 1888. He was a man of ability and experience, served the Commonwealth well in various places of trust, and closed his life while he was apparently in the very midst of his honors and usefulness.

Hon. John Trunkey, one of the judges of the Supreme Court of Pennsylvania, departed this life, in the city of London, on the 24th day of June, 1888, whilst sojourning abroad under medical treatment, at a time when it was hoped his valuable life might be preserved for the service of his native State, which he had already served so faithfully and with such conspicuous ability.

He was an able, pure, upright man, and a just judge. Pennsylvania has few such men to lose.

#### CONCLUSION.

A strenuous attempt has been made to confine this communication within the narrowest limits consistent with fullness and clearness. The greater success has not attended the effort at brevity, is due rather to the multitude of subjects which cannot be evaded than lengthened discussion of any one of them. No argument has been used to enforce statement. Your desire to serve the Commonwealth well is relied upon to meet and wisely deal with the suggestions which have been made. Our work is not for a day. Its influence outlasts the generations. We deal with great issues and bear large responsibilities. Let us meet them bravely and bear them resolutely.

JAMES A. BEAVER.

Executive Chamber,  
Harrisburg, Pa., January 1, 1889.

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To the Senate Nominating James Young a Member  
of the State Board of Agriculture.

Executive Chamber,  
Harrisburg, January 1, 1889.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, James Young, of the county of Dauphin, to be a member of the State Board of Agriculture, for the term of three years, from the fourth Wednesday of January, 1888.

JAMES A. BEAVER.

To the Senate Nominating A. B. Burns a Member of  
the State Pharmaceutical Examining Board.

Executive Chamber,  
Harrisburg, January 1, 1889.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, A. B. Burns, of the county of Susquehanna, to be a member of the State Pharmaceutical Examining Board of the Commonwealth of Pennsylvania, in accordance with the act of May 24, 1887, for the term of five years from June 23, 1888.

JAMES A. BEAVER.

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To the Senate Nominating George G. Groff a Member of the State Board of Health and Vital Statistics.

Executive Chamber,  
Harrisburg, January 1, 1889.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, George G. Groff, M. D., of Lewisburg, Union county, to be a member of the State Board of Health and Vital Statistics, to fill the unexpired term of E. W. Garner, M. D., deceased.

JAMES A. BEAVER.

To the Senate Nominating Trustees of the Hospital  
for the Insane at Danville.

Executive Chamber,  
Harrisburg, January 1, 1889.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, the following-named persons to be trustees of the Hospital for the Insane at Danville, Pennsylvania, for the term of three years from the dates set opposite their names, respectively, viz:

Gideon M. Shoop, Danville, Montour county, June 9, 1887.

Timothy O. VanAlen, Danville, Montour county, June 9, 1887.

Thomas Chalfant, Danville, Montour county, June 9, 1887.

Mordecai W. Jackson, Berwick, Columbia county, June 9, 1887.

B. H. Detwiler, M. D., Williamsport, Lycoming county, February 25, 1888.

D. M. Boyd, Danville, Montour county, February 25, 1888.

B. H. Throop, Scranton, Lackawanna county, February 25, 1888.

Charles S. Minor, Honesdale, Wayne county, February 25, 1888.

Steuben Jenkins, Wyoming, Luzerne county, February 25, 1888.

JAMES A. BEAVER.



To the Senate Nominating Managers of the State Industrial Reformatory at Huntingdon.

Executive Chamber,  
Harrisburg, January 1, 1889.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, the following-named persons to be managers of the State Industrial Reformatory, located at Huntingdon, Pennsylvania, for the terms set opposite their names, respectfully, viz:

Samuel McCamant, Tyrone, Blair county, two years from May 15, 1888.

W. W. Jennings, Harrisburg, Dauphin county, four years from May 15, 1888.

Alexander Port, Huntingdon, Huntingdon county, six years from May 15, 1888.

H. B. Tyler, Philadelphia, eight years from May 15, 1888.

H. G. Fisher, Huntingdon, Huntingdon county, ten years from May 15, 1888.

JAMES A. BEAVER. .

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To the Senate Nominating Commissioners of the Board of Public Charities.

Executive Chamber,  
Harrisburg, January 1, 1889.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, the following-named persons to be Commissioners of the Board of Public Charities, for the term of five years, from the dates set opposite their names respectively, viz:

J. W. C. O'Neal, Gettysburg, Adams county, July 3, 1888.

Thomas G. Morton (act of 1883), Philadelphia, July 3, 1888.

George I. McLeod (act of 1883), Philadelphia, July 3, 1888.

Francis M. Jordan (act of 1883), Harrisburg, Dauphin county, November 9, 1888.

Mahlon H. Dickinson, Philadelphia, October 25, 1887.

James B. Scott, Pittsburgh, Allegheny county, "un-expired term of G. C. Shidle, resigned."

JAMES A. BEAVER.

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To the Senate Nominating Trustees of the State Lunatic Hospital at Harrisburg.

Executive Chamber,  
Harrisburg, January 1, 1889.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, the following-named persons to be trustees of the Pennsylvania State Lunatic Hospital at Harrisburg, Pennsylvania, for the term of three years, from the dates set opposite their names, viz:

Robert A. Lamberton, South Bethlehem, Northampton county, March 19, 1888.

Samuel Small, York, York county, March 19, 1888.

Spencer C. Gilbert, Harrisburg, Dauphin county, October 25, 1887.

JAMES A. BEAVER.

To the Senate Transmitting the Proceedings of the Commission to Open, Compute and Publish the Returns of the Last General Election for State Treasurer.

Executive Department,  
Harrisburg, January 1, 1889.

Gentlemen:—

**B**Y REQUEST OF THE COMMISSION TO OPEN, compute and publish the returns of the last general election for State Treasurer, I herewith transmit to the General Assembly a copy of the proceedings of said commission at their meeting in Harrisburg, on Tuesday the 17th day of January, A. D. 1889, with the view of having the same entered upon the Journals.

JAMES A. BEAVER.

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To the Senate Nominating Samuel W. Pennypacker Judge in Court of Common Pleas No. 2 of Philadelphia County.

Executive Chamber,  
Harrisburg, January 10, 1889.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, Samuel W. Pennypacker, of Philadelphia, to be judge in the court of common pleas number 2, in and for the county of Philadelphia, vice James T. Mitchell, who was elected justice of the Supreme Court of Pennsylvania.

JAMES A. BEAVER.

To the Senate Nominating John F. Hartranft Major  
General of the National Guard.

Executive Chamber,  
Harrisburg, February 6, 1889.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE  
honor hereby to nominate for the advice and con-  
sent of the Senate, John F. Hartranft to be major  
general of the National Guard of Pennsylvania.

JAMES A. BEAVER.

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To the Senate Nominating George B. Snowden Briga-  
dier General of the National Guard.

Executive Chamber,  
Harrisburg, February 6, 1889.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE  
honor hereby to nominate for the advice and con-  
sent of the Senate, George B. Snowden of Phila-  
delphia, to be brigadier general of the National Guard  
of Pennsylvania.

JAMES A. BEAVER.

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To the Assembly Transmitting the Report of the  
Forestry Commission.

Executive Chamber,  
Harrisburg, February 6, 1889.

Gentlemen:—

**I** HAVE THE HONOR TO TRANSMIT HERE-  
with, for your consideration and such action as  
you may deem proper, the report of the Forestry

Commission appointed by virtue of a concurrent resolution of the Senate and House of Representatives, dated April 26, 1887, accompanied by a bill submitted by the said commission and made a part of their report.

JAMES A. BEAVER.

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To the Senate Nominating Thomas S. Butler Additional Law Judge of the Fifteenth Judicial District.

Executive Chamber,  
Harrisburg, February 8, 1889.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Thomas S. Butler, of West Chester, to be additional law judge of the Fifteenth judicial district of this Commonwealth, vice Hon. William B. Waddell, who succeeded Hon. J. Smith Futhey, deceased, as president judge of said district, until the 1st Monday in January, 1890.

JAMES A. BEAVER.

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To the Senate Nominating George W. Pile Associate Judge for Somerset County.

Executive Chamber,  
Harrisburg, February 14, 1889.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate, for the advice and consent of the Senate, George W. Pile, of Somerset county, Pennsylvania, to be associate judge in and for the county of Somerset, until the first Monday of January, 1890, vice Samuel Walker, deceased.

JAMES A. BEAVER.

Proclamation Announcing the Completion and Organization of the Industrial Reformatory at Huntingdon.



**I**N THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania.

A PROCLAMATION.

Whereas, heretofore, to wit, on the fifteenth day of May A. D. 1888, in pursuance of the provisions of the first section of the act 28th April A. D. 1887, the Governor of the Commonwealth did appoint five persons to act as a board of managers of the Pennsylvania Industrial Reformatory at Huntingdon; and

Whereas, The said board of managers have certified to the Governor in writing that they, the board of managers of the Pennsylvania Industrial Reformatory at Huntingdon, have fully organized with a general superintendent, other officers and employes, and the grounds and buildings of the Reformatory are now fitted and furnished for the proper reception, detention and management of convicts; therefore

I, JAMES A. BEAVER, Governor of the said Commonwealth, do hereby make proclamation of the facts herein above recited, and do make known to the people of the Commonwealth, and all others interested, that the said The Pennsylvania Industrial Reformatory at Huntingdon is properly organized, fitted and furnished for the proper reception, detention and management of convicts, according to the provisions of the said Act of Assembly of the 28th day of April A. D., 1887, of which all who are in any way interested will take notice.



Given under my hand and the Great Seal of the State, at Harrisburg, this fourteenth day of February in the year of our Lord one thousand eight hundred and eighty-nine, and of the Commonwealth the one hundred and thirtieth.

**JAMES A. BEAVER.**

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

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To the Senate Nominating J. Montgomery Forster  
Commissioner of Insurance.

Executive Chamber,  
Harrisburg, February 26, 1889.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, J. Montgomery Forster, of Harrisburg, Dauphin county, to be Commissioner of Insurance for the term of three years, to compute from the first Monday of May, 1888.

**JAMES A. BEAVER.**



To the Senate Nominating Samuel R. Downing, a  
Member of the State Board of Agriculture.

Executive Chamber,  
Harrisburg, February 26, 1889.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Samuel R. Downing, to be a member of the State Board of Agriculture for the term of three years.

JAMES A. BEAVER.

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To the Senate Nominating Mining Engineers on the  
Board of Examiners of Candidates for the Office of  
Inspector of Mines.

Executive Chamber,  
Harrisburg, February 26, 1889.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named gentlemen to be Mining Engineers on the Board of Examiners whose duty it shall be to inquire into the character and qualifications of candidates for the office of inspector of mines, by the provisions of the act of Assembly, approved the 30th day of June, 1885, viz: S. W. Taylor, Allegheny county; J. Sutton Wall, Washington county; to serve for the term of four years.

JAMES A. BEAVER.

To the Senate Nominating Commissioners to Select a Site and Erect a Hospital for Injured Persons of the Anthracite Coal Region, to be Located at or near Hazleton.

Executive Chamber,  
Harrisburg, March 19, 1889.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be commissioners to select a site and erect a hospital thereon for injured persons of the anthracite coal regions to be located at or near Hazleton, viz:

James E. Roderick, Hazleton, Luzerne county.

Edward L. Bullock, Audenreid, Carbon county.

William R. Longshore, M. D., Hazleton, Luzerne county.

Matthew Long, Hazleton, Luzerne county.

Thomas Dougherty, Audenreid, Carbon county.

James S. Loose, Mauch Chunk, Carbon county.

JAMES A. BEAVER.

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To the Senate Nominating Commissioners to Select Sites and Erect Hospitals for Injured Persons, to be Located Within the Bituminous and Semi-Bituminous Coal Regions.

Executive Chamber,  
Harrisburg, March 19, 1889.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be commissioners to select sites and erect hospitals thereon for injured persons, to be located within the bituminous and semi-bituminous coal regions, viz:

Fourth district, David Cameron, Wellsboro', Tioga county.

Sixth district, H. D. Tate, Bedford, Bedford county.

Third district, John J. Spearman, Sharon, Mercer county.

Second and Fifth district, J. M. Reid, Dunbar, Fayette county.

Eighth district, James P. Coburn, Aaronsburg, Centre county.

First and Seventh district, Samuel H. French, Pittsburgh, Allegheny county.

JAMES A. BEAVER.

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To the Senate Nominating E. C. Wagner a Trustee of the State Hospital for Injured Persons of the Anthracite Coal Regions at Ashland.

Executive Chamber,  
Harrisburg, March 19, 1889.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, E. C. Wagner of Girardville, Schuylkill county, to be a trustee of the State Hospital for Injured Persons of the Anthracite Coal Regions at Ashland, vice Thomas J. Foster, resigned.

JAMES A. BEAVER.

To the Assembly Transmitting a Report of the Board  
of Commissioners on Gettysburg Monument.

Executive Chamber,  
Harrisburg, March 26, 1889.

Gentlemen:—

**T**HE BOARD OF COMMISSIONERS ON GETTYS-  
burg Monuments, appointed under the provisions  
of the act of June 15, 1887, has made a prelimi-  
nary and partial report, which I herewith respectfully  
transmit for your consideration.

The report gives in detail the operations of the  
Commission up to the present time and calls attention  
to the fact that, whilst the act referred to provides  
for the erection of monuments to mark the positions  
occupied by eighty-one Pennsylvania organizations  
which took part in the battle of Gettysburg, there were  
in fact eighty-four such organizations entitled to sep-  
arate existence, and therefore the independent me-  
morials.

The Commission, therefore, recommends that the  
sum of \$4,500 or \$1,500 each for the three several or-  
ganizations not provided for in the original act, be  
appropriated.

In this recommendation I concur and call the atten-  
tion of the Legislature thereto, in the hope and expec-  
tation that the defect will be remedied if the facts are  
as stated in the report of the Commissioners.

JAMES A. BEAVER.

## Arbor Day Proclamation. 1889.



IN THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania.

## A PROCLAMATION.

The brightening branches and swelling buds of our early deciduous trees warn us of the duty and the privilege of repairing the wastes of the present and providing for the wants of the future. The people of the Commonwealth have been in advance of the Executive in the thought of and preparation for our annual Arbor Day. It is pleasant thus to note the interest which has been and is being awakened upon this subject.

By the concurrent resolution of the Legislature approved the 30th day of March, 1887, the Governor is requested to appoint, annually, a day to be designated as Arbor Day in Pennsylvania, and to recommend by proclamation to the people, on the days named, the planting of trees and shrubbery in the public school grounds and along our public highways throughout the State.

This request is most cheerfully complied with, and in accordance therewith, Friday, the 26th day of April, 1889, is hereby designated and set apart as Arbor Day in Pennsylvania.

The planting of trees and shrubbery in our public school grounds and along our highways is earnestly recommended to our people. The subject of tree planting, however, has become so important in many ways that the Executive feels compelled to give wider scope, if possible, to the observance of Arbor Day than is hereinbefore indicated. Public parks are being provided for in several of our cities and towns, through private munificence and public enterprise. In what

way can the individual citizen of these several cities and towns better show his appreciation of and gratitude for these benefactions than by planting a tree, which shall not only manifest his appreciation but at the same time deepen the interest of himself and his family in a work which is so essentially for the public good? What better rallying point for the family in a public park than the tree of their own planting and nurture? What more beautiful tribute to the men who have so nobly provided for the health and happiness of future generations than such a mark of grateful appreciation on the part of the people of the several communities benefited? The places for such tree planting could be designated by the authorities in charge, and the results could not but be in many ways beneficial.

We have for several years been devoting our energies in many parts of the State to beautifying the grounds about our school buildings; let us give special heed in our coming Arbor Day to beautifying our highways, both in town and country. Let us become a tree-planting Commonwealth. Let us plant trees which will grow into value and will be useful for the wood supply of the coming generation. The discouragements which have beset those who were interested in this subject heretofore in Pennsylvania are being gradually removed. The encouragements are slowly multiplying. Whilst we teach the children, and hold pleasant converse in the school room over the beauty and usefulness of tree and shrub, let us give them practical lessons in the actual planting, which shall awaken their desire and determination to do likewise.

Would that our people could be impressed with the importance of this subject! Would that we could realize the great debt of obligation which we owe to the coming generations! We have drawn upon the

century which has passed, have denuded our forests, have wasted our precious heritage, and seem to have little realization of the obligation which rests upon us to repair these wastes and to restore this heritage.

It may not be out of place for the Executive in this proclamation to carry the thought of our people beyond the school-grounds and parks and highways, and commend to all who are the owners of lands, which can be re-forested, the importance—yea, the necessity—of turning their attention to forestry as a means of profit to themselves and of incalculable benefit to the community in general.

Let our thoughts turn at once to preparation for the coming Arbor Day. Let trees be provided in advance. Let the citizens of our several communities consult together as to the species of trees suited to each locality likely to grow into what will be useful as well as ornamental. Let preliminary meetings be held to arrange for the details of the observance of Arbor Day, and let our roadsides welcome with smiling verdure the era of better roadways, which, we hope, is dawning in Pennsylvania.



In Testimony Whereof, I have hereunto set my hand and caused the Great Seal of the State to be affixed, this third day of April, in the year of our Lord one thousand eight hundred and eighty-nine, and of the Commonwealth the one hundred and thirteenth.

JAMES A. BEAVER.

By the Governor:

Charles W. Stone.

Secretary of the Commonwealth.



To the Assembly Vetoing "An Act to Authorize and Empower the Board of Commissioners of the County of Allegheny to Expose to Public Sale Certain Pieces of Real Estate with Improvements, Situate in the City of Pittsburgh."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, April 5, 1889.

Gentlemen:—

I RETURN HEREWITH, TO THE HOUSE IN which it originated, without my approval, House bill No. 24, entitled "An act to authorize and empower the board of commissioners of the county of Allegheny to expose to public sale two certain pieces of real estate with improvements, situate in the city of Pittsburgh, county aforesaid, belonging to said county; one situated on the southwest corner of Diamond and Ross streets, having a frontage on Ross street of one hundred and fifteen feet, and on Diamond street of one hundred feet, being the same which was conveyed by the Western University of Pennsylvania to the said county by its two deeds, one dated January 28th, 1882, the other July 7th, 1884; the first recorded in the recorder's office of the said county, in deed book, volume 431, page 560, et sequentia; the second recorded in said office, in deed book, volume 628, page 121. The other piece of real estate has a frontage of seventy-five feet on said Diamond street, beginning at the southwest corner of Diamond street and a twenty foot alley, and runs back westwardly along said alley, preserving the same width a distance of one hundred and fifteen feet, being the same real estate which S. Jarvis Adams and wife by their deed dated March 22d, 1884, and recorded in said Recorder's office, in deed book, volume 495, page 243, granted and conveyed to the said county of Allegheny in fee."

This bill, in my judgment, contravenes the provisions of the seventh section of the third article of the Constitution, which forbids the General Assembly to pass any local or special laws regulating the affairs of counties, cities, etc., and which also forbids the passage of any local or special law relating to public grounds not of the State.

It is believed that the property referred to in the bill under consideration adjoins or abuts upon the ground upon which the public buildings of Allegheny county are erected. If so, it is highly probable that under the provisions of the act of the 14th day of May, A. D. 1874, the commissioners of the county, with the approbation of the court of quarter sessions thereof, have the right to sell it at public sale; and if this be the case, the bill is antagonistic to another provision of the seventh section of the third article of the Constitution, which provides that no law shall be passed granting powers or privileges in any case where the granting of such powers or privileges shall have been provided for by general law.

It may be said that the title, which could be made under the act of the 14th of May, 1874, might be of doubtful validity. Would not the title made under the present bill, if it should become a law, be still more doubtful? If it be said, however, that the act referred to does not cover this case in express terms, the case can be covered, and should be covered by a general law which would be applicable to such cases as they arise in the future. A well considered general law covering such a case as this, and such other cases as can be easily conceived, should be passed if the act of 1874 does not already cover it.

Another serious objection to the bill, which is not vital, should perhaps be stated. The Constitution requires that the subject of a bill shall be clearly expressed in its title. The object of this provision of

the Constitution is to direct the attention of the inquirer to what is contained in the bill. The title of this bill is so verbose and runs into details to such an alarming extent, that it cannot be considered as clearly expressing the subject matter of the bill. It is not intended by this provision of the Constitution that the entire contents of a bill should be copied into and made a part of the title.

If this were the only objection to the bill it might not be considered as vital, but inasmuch as the other objections are of such a character as to require the return of the bill, it is well perhaps to state this, so that titles of this character, which unnecessarily encumber our laws, may be avoided in the future.

JAMES A. BEAVER.

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To the Senate Nominating Members of the State  
Pharmaceutical Examining Board.

Executive Chamber,  
Harrisburg, April 10, 1889.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE  
sent of the Senate, the following-named persons  
honor hereby to nominate for the advice and con-  
to me members of the State Pharmaceutical Examining Board of the Commonwealth of Pennsylvania for the terms set opposite their names, viz:

A. J. Tafel, Philadelphia, two years from June 23, 1887.

Harry B. Cochran, Lancaster, three years from June 23, 1887.

Frederick H. Eggers, Allegheny City, four years from June 23, 1887.

Alonzo Robbins, Philadelphia, five years from June 23, 1887.

JAMES A. BEAVER.

Writ Issued to the Sheriffs in Pennsylvania Directing Them to Give Notice of the Forthcoming Special Election Upon Two Proposed Constitutional Amendments.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. JAMES A. BEAVER, Governor of the said Commonwealth.

To Jacob W. Taughenbaugh Esq., Sheriff of the County of Adams Sends Greeting:



Whereas, Two joint resolutions proposing two separate amendments to the Constitution of this Commonwealth, have been agreed to by a majority of the members elected to each House of the Legislature, at two successive sessions;

The first of said amendments being as follows:

“AMENDMENT.

“There shall be an additional article to said Constitution, to be designated as Article Nineteenth, as follows:

Article XIX.

“The manufacture, sale, or keeping for sale, of intoxicating liquor, to be used as a beverage, is hereby prohibited, and any violation of this prohibition shall be a misdemeanor, punishable as shall be provided by law. The manufacture, sale, or keeping for sale, of

intoxicating liquor for other purposes than as a beverage, may be allowed in such manner only as may be prescribed by law. The General Assembly shall, at the first session succeeding the adoption of this article of the Constitution, enact laws, with adequate penalties, for its enforcement."

The second thereof being as follows:

"AMENDMENT.

"Strike out from section one of article eight, the four qualifications for voters, which reads as follows: "If twenty-two years of age or upwards, he shall have paid, within two years, a State or county tax, which shall have been assessed at least two months, and paid at least one month before the election," so that the section which reads as follows: "Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections.

"First. He shall have been a citizen of the United States at least one month.

"Second. He shall have resided in the State one year (or if, having previously been a qualified elector or native born citizen of the State, he shall have removed therefrom and returned, then six months) immediately preceding the election.

"Third. He shall have resided in the election district, where he shall offer to vote, at least two months immediately preceding the election.

Fourth. If twenty-two years of age or upwards, he shall have paid, within two years, a State or county tax, which shall have been assessed at least two months, and paid at least one month before the election," shall be amended to read as follows:

Every male citizen, twenty-one years of age, possessing the following qualifications, shall be entitled to vote at the polling place of the election district of which he shall at the time be a resident, and not elsewhere.

First. He shall have been a citizen of the United States at least thirty days.

Second. He shall have resided in the State one year (or if, having previously been a qualified elector or native-born citizen of the State, he shall have removed therefrom and returned, then six months) immediately preceding the election.

Third. He shall have resided in the election district where he shall offer to vote, at least thirty days immediately preceding the election. The Legislature at the session thereof next after the adoption of this section shall and from time to time thereafter may enact laws to properly enforce this provision.

Fourth. Every male citizen of the age of twenty-one years, who shall have been a citizen for thirty days and an inhabitant of this State one year next preceding an election, except at municipal elections, and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elected by the people: Provided, That in time of war no elector in the actual military service of the State or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district, and the Legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election district in which they respectively reside.

Fifth. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States or of the State, nor while engaged in the navigation of the waters of the State or the high seas, nor while a student of any college or sem-

inary of learning nor while kept at any almshouse or public institution, except the inmates of any home for disabled and indigent soldiers and sailors, who, for the purpose of voting, shall be deemed to reside in the election district where said home is located. Laws shall be made for ascertaining, by proper proofs, the citizens, who shall be entitled to the right of suffrage hereby established."

Now, Therefore, In obedience to the requirements of the eighteenth article of the Constitution, and in compliance with the provisions of an act of the General Assembly, entitled "An act prescribing the time and manner of submitting to the people for their approval and ratification or rejection, proposed amendments to the Constitution," approved the eighth day of March, Anno Domini one thousand eight hundred and eighty-nine, I, JAMES A. BEAVER, Governor of the said Commonwealth of Pennsylvania, do issue this writ, commanding and requiring you, the said Jacob W. Taughenbaugh Sheriff of the said county as aforesaid, to give notice in the usual manner in not less than two newspapers in said county and each city thereof (if so many are published therein,) and by at least two printed hand-bills in each election district of said county and city wherein no newspaper is published, that an election will be held according to the terms of the Constitution and the provisions of the said act of the General Assembly, at the usual place for holding general elections, in each of the townships, boroughs, wards, precincts and election districts therein, on Tuesday, the eighteenth day of June, in the year of our Lord one thousand eight hundred and eighty-nine, for the purpose of deciding upon the approval and ratification or rejection of each of the said amendments.

Given under my hand and the Great Seal of the State, at Harrisburg, this fifteenth day of April, in the year of our Lord one thousand eight hundred and



eighty-nine, and of the Commonwealth the one hundred and thirteenth.

JAMES A. BEAVER.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

A similar Writ was sent to each and every Sheriff in the State April 15, 1889.

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To the Assembly Vetoing "An Act Relating to Regulating and Governing Poor Districts in Cities Other than Cities of the First and Second Classes, and Providing for the Levy and Collection of Poor Taxes in Said Cities.

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, April 15, 1889.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, to the House in which it originated, House bill No. 96, entitled "An act relating to regulating and governing poor districts in cities other than cities of the first and second class, and providing for the levy and collection of poor taxes in said cities." This bill is objectionable on the following Constitutional grounds:

First. Although expressed in language apparently general, it is special and local legislation. The Supreme Court, on grounds of necessity, has reluctantly conceded classification of cities to the extent of three classes, based upon extent of population, and has defined the limits of the power of classification under the Constitution accordingly. This bill is an attempt

to regulate the affairs of a portion of the cities of the third class in the Commonwealth, as now classified by existing laws. The act confers certain authority and powers, including the power to levy and collect taxes for poor purposes, upon "all cities other than cities of the first and second class which does now or shall hereafter constitute a single poor district in their corporate capacities." Whether this description relates to and covers one or more cities is immaterial. It is sufficient that there are some cities of the third class to which this description does not apply. This is practically a subdivision of cities of the third class and according to a basis other than that of population. Having thus, in effect, subdivided the third class, the act proceeds to legislate only for cities answering the description quoted. This is clearly objectionable as a covert attempt at special and local legislation contrary to the provisions of the Constitution as interpreted and construed by the Supreme Court.

In section five of the bill the office of poor director is created for the cities described in the first section, and the powers and duties of poor directors, so provided for, are prescribed. In this respect also the bill is a violation of the further provision in section seven, Article III of the Constitution, which forbids the passing of any local or special law, "creating offices or prescribing the powers and duties of officers in counties, cities," etc.

Second. The title is more comprehensive than the scope of the bill. It is misleading and does not, as required by the Constitution, clearly express therein the subject contained in the bill. The title is "An act relating to regulating and governing poor districts in cities other than cities of the first and second class, and providing for the levy and collection of poor taxes in said cities." In section one it is enacted that "All cities other than cities of the first and second class

which does now and shall hereafter constitute a single poor district in their corporate capacities, are authorized and empowered to collect taxes for the support and maintenance of the poor," etc. The title relates to poor districts in cities other than cities of the first and second class, whether there be one or more such districts in any particular city. There may not, in point of fact, be any case of a city containing more than one poor district in the Commonwealth is not material. The body of the act relates to "All cities other than cities of the first class which does now or shall hereafter constitute a single poor district in their corporate capacities." There is an obvious difference between the scope of the title and the scope of the body of the act. The bill itself covers but a portion of the more general description of subjects contained in the title.

I see no reason why legislation of the kind contained in this bill, so far as it properly relates to a department for the poor or a department for charity for cities, if it be deemed necessary to change the present condition of affairs in the several cities of the Commonwealth in this respect, should not be included as part of a well considered general scheme of municipal legislation, and the provisions with regard to this subject made applicable generally to all the members of any or more of the classes into which cities may be divided under the Constitution.

In view of the foregoing objections, I feel constrained to withhold my signature from the bill.

JAMES A. BEAVER.

Proclamation of a Day of Thanksgiving for the Blessings of a Constitutional Government. 1889.



IN THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania.

A PROCLAMATION.

Whereas, the President of the United States, by his proclamation bearing date the 4th day of April, A. D., 1889, did recommend to the people of the United States that on the 30th day of April, at 9 o'clock in the morning, they repair to their places of divine worship to implore the favor of God that the blessings of liberty, prosperity and peace may abide with us as a people, and that His hand may lead us in the paths of righteousness and good deeds; and

Whereas, doubts have arisen as to whether or not this appointment and recommendation is sufficient to constitute the said 30th day of April a legal holiday in the ordinary legal acceptance of that term; and

Whereas, it is important for the business interests of the Commonwealth that there should be certainty in regard thereto,

Now Therefore be it Known that, in pursuance of the provisions of the Act of the 2nd of April, A. D., 1873, and in recognition of the recommendation of the President of the United States, I do hereby designate the said 30th day of April, A. D., 1889, as a day of general thanksgiving for the blessings of constitutional government which have for a century been uninterruptedly enjoyed by our people, to the end that there may be a general cessation of business upon that day, and that the same may be regarded as a legal holiday.



Given under my hand and the great seal of the State, this seventeenth day of April, Anno Domini, one thousand eight hundred and eighty-nine, and of the Commonwealth the one hundred and thirteenth.

JAMES A. BEAVER.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

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To the Senate Nominating Trustees of the State Hospital for Injured Persons of the Anthracite Coal Regions of Pennsylvania.

Executive Chamber,  
Harrisburg, April 23, 1889.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named gentlemen to be trustees of the State Hospital for Injured Persons of the Anthracite Coal Region of Pennsylvania situated at Ashland, Schuylkill county, viz:

General William Lilly, Mauch Chunk, Carbon county.

Colonel Heber S. Thompson, Pottsville, Schuylkill county.

William H. Lewis, Shaft, Schuylkill county.

A. P. Blakeslee, Delano, Schuylkill county.

Edward T. Reese, Centralia, Columbia county.

John Parker, Mahanoy City, Schuylkill county.

T. M. Righter, Mount Carmel, Northumberland county.

Michael Merkle, Minersville, Schuylkill county.

JAMES A. BEAVER.

To the Senate Nominating Directors of the Nautical School at Philadelphia.

Executive Chamber,  
Harrisburg, April 23, 1889.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named gentlemen to be directors of the Nautical School at Philadelphia, viz:

George A. Cotton, Philadelphia.

John H. Weeks, Philadelphia.

Thomas Potter, Jr., Philadelphia.

JAMES A. BEAVER.

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To the Assembly Vetoing "An Act Granting an Annuity to Peter Nickel, of Cumberland County, Pennsylvania, a Private in Company B, Thirty-sixth Regiment, Pennsylvania State Militia."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 6, 1889.

Gentlemen:—

**I** RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 118, entitled "An act granting an annuity to Peter Nickel, of Cumberland county, Pennsylvania, a private in company B, Thirty-sixth regiment, Pennsylvania State Militia."

If the facts stated in the preamble of this bill are true, as they doubtless are, it is possible that the beneficiary thereof would be entitled to such aid as is intended to be accorded him by its provisions. Inflam-

matory rheumatism, however, is not an incurable disease. The bill provides that an annuity of two hundred dollars per annum, from the first of January, 1889, be paid semi-annually during the term of his natural life to Peter Nickel. The aid proposed, if proper should not under any circumstances extend beyond the period of disability, and if it were so limited in the bill it would seem to me that Executive approval might be properly given thereto. There being no certainty that the disability will, or is even likely to continue during the life of the beneficiary of the bill, it seems to me a dangerous precedent to grant an annuity for life.

JAMES A. BEAVER.

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To the Assembly Vetoing "A Supplement to 'An Act Making an Appropriation for the Erection of Memorial Tablets or Monuments to Mark the Position of Pennsylvania Commands on the Battlefield of Gettysburg, July First, Second and Third, One Thousand Eight Hundred and Sixty-three,' Providing for the Erection of a Memorial Building to the Pennsylvania Reserve Corps, in which may also be Placed Tablets Commemorative of the Record of Other Pennsylvania Organizations that Participated in Said Battle."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, May 6, 1889.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 308, entitled "A supplement to an act approved the 15th day of June, A. D. 1887, entitled 'An act making an appropriation



for the erection of memorial tablets or monuments to mark the position of Pennsylvania commands on the battle-field of Gettysburg, July 1st, 2d and 3d, 1863, providing for the erection of a memorial building to the Pennsylvania Reserve Corps, in which may also be placed tablets commemorative of the record of other Pennsylvania organizations that participated in said battle.' "

I heartily approve of the general features of this bill, permitting the organizations of the Pennsylvania Reserves which took part in the battle of Gettysburg, to combine the appropriations made to them by the act to which this is a supplement. It seems to me that such a combination would allow a pleasing variety in the memorials to be erected to the Pennsylvania organizations which took part in the battle. If the bill did no more than this it would have my cordial approval. There are several objections of such a grave and fundamental character, however, that I feel compelled to yield to their influence.

Under the provisions of the bill to which this is a supplement, the Executive was charged with the duty of naming a commission to oversee the erection of Pennsylvania memorials and expenditure of moneys appropriated thereby. By the provisions of this bill that commission is passed by entirely, and the power to appoint a committee to control the erection of the building and supervise the expenditure of the funds appropriated by the bill is vested in certain voluntary associations which may or may not have an existence.

The Constitution places the appointment of State officers, and others who are to discharge the duties enjoined by law in general, in the hands of the Executive. The appointments made by him, however, are subject to the approval of the Senate. The provisions of this bill not only takes the appointment of commissioners out of the hands of the Executive, but inter-

feres with the prerogative of the Senate so far as its consent to their appointment is concerned. This, in my judgment, is a very grave question, not of great importance in the present case, but so vital in its character as to call for serious hesitation in establishing such a precedent.

The bill, as I understand its provisions, does not propose to combine the appropriations of all the organizations of the Pennsylvania reserves who participated in the battle of Gettysburg, but makes its provisions operative when eight of said organizations combine together. The result would be, and is likely to be, as I am informed, that several of these organizations would be represented by memorials, as are other Pennsylvania organizations, leaving but a portion of the Reserves to be represented in this building. This is unfortunate, to say the least, and would destroy the sentiment (which is proper and commendable), which seeks to perpetuate the part taken by the Pennsylvania Reserves as a complete organization in the battle. The bill creates distinctions among Pennsylvania organizations by appropriating a much larger amount to the Regiments which shall combine to erect the building than is given to other Pennsylvania organizations, or to others belonging to the Pennsylvania reserve division itself. This provision of the bill might not be considered insurmountable, inasmuch as provision is made for the erection of tablets by such Regiments belonging to Pennsylvania as may choose to erect them within the building; but, inasmuch, as the bill is fundamentally faulty in other respects, this provision of it is alluded to as objectionable and likely to create jealousies and antagonisms which should be avoided if possible.

JAMES A. BEAVER.

To the Assembly Vetoing "An Act to Authorize the Auditor General to Settle and Adjust a Claim of Charles Kitting, a Citizen of Mifflin County, for Reimbursement of Mercantile taxes paid for the year one thousand Eight Hundred and Seventy-six to the Year One Thousand Eight Hundred and Eighty-seven, Inclusive, and Appropriating an Amount not Exceeding One Hundred Dollars to Pay Such Claim."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 6, 1889.

Gentlemen:—

I AM COMPELLED TO RETURN HEREWITH without my signature, House bill No. 339, entitled "An act to authorize the Auditor General to settle and adjust a claim of Charles Kitting, a citizen of Mifflin county, for reimbursement of mercantile taxes paid for the year 1876 to the year 1887 inclusive, and appropriating an amount not exceeding one hundred dollars to pay said claim."

I would be glad to approve this bill if it were in my power to do so. The amount is small, the person to be benefited is worthy, and certainly has equity on his side. He has—if the facts contained in the affidavit upon which the bill is founded are correct—paid certain taxes which, if he had understood the law applicable to his case, need not have been paid. He admits in the affidavit that the same were paid because of his ignorance of the law in such case made and provided.

The seventh section of the third article of the Constitution provides that the General Assembly shall not pass any local or special law refunding money legally paid into the treasury. There can be no question that the taxes referred to were legally paid into the treasury, although if the beneficiary of the bill had under-

stood his rights, under the provisions of the law relating to the payment of such taxes, he might not have been compelled to pay them at the time.

It is a well settled principle of the law, that ignorance of its provisions does not excuse the citizen from the discharge of his duty, nor does it enable him to take advantage of anything which he has done in ignorance of his rights under the law. If this principle were not enforced, individuals and corporations paying taxes into the treasury, under a law which years after its passage might be declared to be unconstitutional, could claim the return of those taxes for an indefinite period. Late events in the history of the dealings of the courts with our revenue legislation demonstrate clearly that such a course might bankrupt the treasury and leave the State insolvent.

Meritorious as this claim is in equity, and small as it is in amount, the precedent which would be set by its becoming a law would be fraught with such danger to the interests of the Commonwealth, that it would be extremely perilous to admit the principle in practice even for an instant.

JAMES A. BEAVER.

To the Assembly Vetoing Two Acts, one "Making an Appropriation for the Expenses of the Pennsylvania Society to Protect Children from Cruelty in the Prosecution of its work;" the other, "Making an Appropriation to the Allegheny County Association for the prevention of Cruelty to Children and Aged Persons."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 6, 1889.

Gentlemen:—

**I** RETURN HEREWITH, WITHOUT EXECUTIVE approval, House bill No. 342, entitled "An act making an appropriation for the expenses of the Pennsylvania Society to protect children from cruelty for the prosecution of its work;" and House bill No. 446, entitled "An act making an appropriation to the Allegheny County Association for the prevention of cruelty to children and aged persons."

On the 7th of June, 1887, I approved an act making an appropriation for the expenses of the Pennsylvania Society to protect children from cruelty in the prosecution of its work, with many misgivings as to the propriety of the appropriation. The same society asks for an appropriation nearly twice as large as that granted in 1887, and a similar society in Allegheny county asks for an appropriation in aid of its work.

Children's Aid Societies exist in both these localities for which appropriations have been made and approved. The provisions of our poor laws, which forbid children to be maintained as inmates of our ordinary institutions for the care and maintenance of the poor, would seem to make associations for the care of children almost a necessity, and the aid societies organized for their care would seem to be proper objects of the State's charity. Such societies should dis-

charge all the duties and obligations relating to destitute children in their several localities which rest upon the State. The multiplication of these societies means, to a very great extent, the maintenance of separate and distinct organizations, the main expenditures connected with which are the payment of salaries of executive officers and office rent and expenses. If there were no other agency through which their work could be carried on, there might possibly be a question as to the propriety of the State's contributing money for their maintenance. Inasmuch, however, as such agencies exist, and inasmuch as the appropriations by the present Legislature are likely to exceed by more than \$1,000,000 the revenues of the Commonwealth applicable to such purposes, the strictest economy becomes absolutely necessary.

I regret exceedingly that the Legislature imposes upon the Executive the duty of determining how the difference between the revenues of the Commonwealth and its expenditures is to be adjusted. In endeavoring to discharge a similar duty on a previous occasion, certain rules were laid down by the Executive which have been found by experience to be wholesome and reasonable. The legal obligations of the Commonwealth must be met. As to the appropriations for their discharge there is and can be no discretion. Purely State institutions must be maintained. They can in the very nature of the case, secure no help from those who are charitably disposed. Educational institutes should next be provided for. If anything be left for charity, it should be distributed to such institutions as have a substantial foundation and are equipped for really charitable work. Appropriations for the maintenance of such institutions should take precedence over such as provide for the erection of new buildings, or the payment of the old debts of such institutions as are not firmly established.

These general propositions are stated somewhat at length, for the reason that a number of bills will be disposed of in which part of the appropriation will be approved and part disapproved, or which may be altogether disapproved on the grounds which are herein stated.

JAMES A. BEAVER.

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To the Assembly Vetoing Three Acts, one "Making An Appropriation for the Home of Aged Colored Women, Located in the City of Pittsburgh;" one "Making an Appropriation to the Old Ladies' Home of Philadelphia, in Pennsylvania;" and one "Making an Appropriation for the Union Home for Old Ladies, at Philadelphia, for Buildings and Repairs."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 6, 1889.

Gentlemen:—

I HEREBY RETURN TO THE HOUSE IN WHICH it originated, without Executive approval, House bill No. 443, entitled "An act making an appropriation for the Home of Aged Colored Women located in the city of Pittsburgh;" House bill No. 534, entitled "An act making an appropriation to the Old Ladies' Home of Philadelphia, in Pennsylvania;" and House bill No. 537, entitled "An act making an appropriation for the Union Home for Old Ladies at Philadelphia, for buildings and repairs."

Two of these bills make appropriations for the erection of buildings or for the alteration and repair of buildings already in existence. All of them relate



to a class of persons for whom provision is made in general by the laws of the Commonwealth.

That is a beautiful charity which seeks to take these aged persons from the surroundings in which they may be found, either in public institutions or private places, and give them more of the comforts and enjoyments of home. Such charity is to be greatly commended; but is it the province, or is it within the province of the Commonwealth to make such distinctions among her destitute people? Can she say, or ought she to say, one person shall be maintained in an ordinary county home, whilst another of equal age and equal disability shall be maintained in an institution of higher grade, where more comfortable surroundings may be found and better attention given? This is unquestionably the province of private charity. Our churches do much of it, and are to be commended in doing so. There is no pretense, however, on the part of anyone that they should be assisted by the State in doing such a work, and it is difficult to see upon what principle any other organization doing a like work should receive aid out of the public treasury.

JAMES A. BEAVER.

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To the Assembly Vetoing "An Act Making an Appropriation to the Pittsburgh Free Dispensary.

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, May 6, 1889.

Gentlemen:—

I RETURN HEREWITH TO THE HOUSE IN which it originated, without Executive approval, House bill No. 445, entitled "An act making an appropriation to the Pittsburgh Free Dispensary."

This institution made application to the Board of Charities for recommendation for the appropriation desired for their building. After careful consideration of its claims, the board reports that it regrets that it cannot recommend the application, it being regarded as a purely local charity.

It does not appear that this institution is carrying on any general charitable work, and inasmuch as the appropriation is solely for building purposes it does not appear that the charitable work of the institution, if any such is carried on, will materially suffer by reason of the delay.

In view of these facts and of the additional fact heretofore stated, that it is regarded as almost certain that the appropriations made, and likely to be made by the Legislature, will overrun by fully \$1,000,000 the revenues of the Commonwealth for the next two years, it would seem that it would be better to allow this institution to await the convenience of the Commonwealth, even if it should be deserving of assistance at any time.

JAMES A. BEAVER.

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To the Assembly Vetoing "An Act to Amend 'An Act for Vesting Certain City Lots Therein Mentioned in Trustees, for a Burial Ground for the Use of the Religious Society of Free Quakers, in the City of Philadelphia.'"

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 6, 1889.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 500, entitled "An act to amend section two of an act, entitled 'An act for vesting certain city lots therein mentioned in trustees

for a burial ground, for the use of the religious society of Free Quakers in the city of Philadelphia,' approved the twenty-sixth day of August, Anno Domini one thousand seven hundred and eighty-six.

This bill is open to several grave objections. It purports to amend section two of the act of 1786, whereas it in effect repeals that section and proposes to enact in its stead a new law.

The alleged amendment authorizes the sale of a burial ground without notice to parties interested in the interments heretofore made therein. It creates a new trust, and is in all respects a new and independent act, although purporting to be simply an amendment.

The bill is in direct conflict with that portion of the seventh section of third article of the Constitution which forbids the Legislature to pass any local or special law relating to cemeteries, graveyards, or public grounds not of the State.

The general purposes of the bill are perhaps judicious and right in themselves, and it might be well to meet the requirements of this and similar cases by a well considered general law, vesting in the courts the right to vacate burial grounds situated as this ground is, and to provide for the investment of the funds realized from the sale of them for such beneficial uses as might be approved by our courts; provided, always, that notice to all parties interested should be given in some way of the intended vacation or abandonment of the burial ground. It is quite certain however, that, if the provisions of the Constitution are to be observed and its mandates obeyed, the object of the bill cannot be reached by special legislation.

JAMES A. BEAVER.

To the Assembly Vetoing "An Act Making an Appropriation to the Home of the Merciful Saviour for Crippled Children."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 6, 1889.

Gentlemen:—

I RETURN HEREWITH TO THE HOUSE IN which it originated, without Executive approval, House bill No. 532 entitled "An act making an appropriation to the Home of the Merciful Saviour for Crippled Children."

A bill similar to this was vetoed June 17, 1887, because it was believed that the institution was of such a character as to be denied State aid under the Constitution. The subject has been further investigated and the opinion then formed has been confirmed.

The work done at home and by the Home of the Merciful Saviour for Crippled Children is a beautiful charity, well and worthily done, and appeals to those who are charitably disposed in the community; but it unquestionably comes within that class of denominational or sectarian institutions for which the Legislature has no authority to make appropriations.

JAMES A. BEAVER.

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To the Senate Nominating Barton D. Evans Superintendent of Public Printing.

Executive Chamber,  
Harrisburg, May 8, 1889.

Gentlemen:—

I IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Barton D. Evans, of West Chester, Chester county, to be Superintendent of Public Printing for the term of four years.

JAMES A. BEAVER.

To the Senate Nominating Trustees of the State Hospital for the Insane at Warren.

Executive Chamber,  
Harrisburg, May 8, 1889.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named gentlemen to be trustees of the State Hospital for the Insane at Warren, for the term of three years, viz:

J. D. Hancock, Franklin, Venango county.

C. C. Shirk, Erie, Erie county.

Isaac Ash, Oil City, Venango county.

JAMES A. BEAVER.

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To the Senate Nominating E. E. Higbee Superintendent of Public Instruction.

Executive Chamber,  
Harrisburg, May 8, 1889.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, E. E. Higbee, of Lancaster, to be Superintendent of Public Instruction for the term of four years.

JAMES A. BEAVER.

To the Senate Nominating Managers of the Pennsylvania Hospital.

Executive Chamber,  
Harrisburg, May 8, 1889.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named gentlemen to be managers of the Pennsylvania Hospital, viz:

N. P. Reed, Pittsburgh.

Robert D. McGonnigle, Allegheny City.

J. R. McAfee, Greensburg, Westmoreland county.

**JAMES A. BEAVER.**

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To the Senate Nominating Managers of the Pennsylvania Reform School at Morganza.

Executive Chamber,  
Harrisburg, May 8, 1889.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named gentlemen to be managers of the Pennsylvania Reform School at Morganza, for the term of four years to compute from the first Monday of May, 1889.

Thomas Wightman, Allegheny City, Allegheny county.

James Allison, Sewickley, Allegheny county.

John N. Neeb, Pittsburgh, Allegheny county.

Joseph Albree, Allegheny City, Allegheny county.

W. S. McKinney, Allegheny City, Allegheny county.

John Boyer, Finleyville, Washington county.

John S. Barr, Cannonsburg, Washington county.

James McClellan, North Strabane township, Washington county.

JAMES A. BEAVER.

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Veto of "An Act Providing for the Payment for Horses Condemned, Appraised and Killed, Under the Provisions of the Act of June Second, One Thousand Eight Hundred and Eighty-seven."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, May 25, 1889.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 254, entitled "An act providing for the payment for horses condemned, appraised and killed under the provisions of the act of June 2d, 1887."

This bill seeks to make provision for the alleged appraised value of eleven horses afflicted with the disease commonly known as glanders, killed in Monroe county during the past year upon consultation with the Secretary of the State Board of Agriculture. It is ascertained that the alleged appraisement was reached by valuing the horses at their full worth, as if in good health, and deducting one third therefrom, no regard being had to the fact that the actual presence of the disease itself destroys all value in animals, and makes them a burden rather than a thing of value. The appraisement was greatly in excess of any value which the horses could possibly have had.

It is further alleged that many of these horses were insured by insurance companies and were killed at



their suggestion, in order to prevent the spread of the disease and greater consequent loss to them. Whether this be so or not, the practical effect of the approval of this bill and the payment of this money would be to make the State the insurer of the insurance companies, inasmuch as the disease of glanders being incurable, the horses injured must ultimately have been paid for by the insurance companies. In no event could any one of the horses been worth more than \$20 or \$30, and it is alleged that, as to some of them at least, the owners offered to pay a price to have them killed and properly disposed of.

For these reasons executive approval is withheld from the bill.

JAMES A. BEAVER.

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Vetoing of Acts "Making an Appropriation Towards the Support of the House of St. Michael and All Angels, in Philadelphia;" and "To the Surgical Department of the Mercy Hospital, at Pittsburgh."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 25, 1889.

Gentlemen:—

I FILE HERewith IN THE OFFICE OF THE Secretary of the Commonwealth, House bill No. 696, entitled "An act making an appropriation towards the support of the House of St. Michael and All Angels in Philadelphia," and House bill No. 770, entitled "An act making an appropriation to the surgical department of the Mercy Hospital at Pittsburgh," with my objections thereto.

These bills are both open to objection, because of

the prohibition contained in section eighteen, article three of the Constitution, which provides that no appropriation shall be made to any denominational or secretarian institution.

These institutions, although in themselves very worthy charities, and doing undoubtedly good work in the several communities in which they are located, are practically under sectarian control. It is creditable to our sectarian institutions in general that they are coming more and more to realize the force and effect of this provision of the Constitution, and that fewer and fewer applications are being made to the Legislature for aid each year.

If the Executive could bring himself to doubt in any way the actual sectarian control of these institutions, or either of them, he would be very glad to assent to the appropriations made by these bills; but the evidence on the subject is so clear and positive that there can be no question in regard to it, and his signature is therefore reluctantly withheld from both.

JAMES A. BEAVER.

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Veto of Acts "Granting an Annuity to Archabold D. Knox, a Private in Company G, Thirty-fifth Regiment, Pennsylvania State Militia;" and "Granting a Gratuity and Annuity to David Costley, of Tioga County, Pennsylvania, a Private in Company G, Thirty-fifth Regiment, Pennsylvania Militia."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, May 27, 1889.

Gentlemen:—

I FILE HEREWITH IN THE OFFICE OF THE  
Secretary of the Commonwealth, House bill No.  
357, entitled "An act granting an annuity to Arch-  
abald D. Knox, a private citizen in Company G, 35th

Regiment, Pennsylvania State Militia," and House bill No. 358, entitled "An act granting an annuity to David Costley, of Tioga county, Pennsylvania, a private in Company G, 35th Regiment Pennsylvania Militia," with my objections thereto.

These bills severally seek to provide a regular annuity during life to the beneficiaries thereof, because of chronic diarrhoea, contracted by them respectively whilst serving in the militia in the year 1863.

Without in any way questioning the probability of the facts set forth in recitals to the several bills, it is enough to say that the disability complained of is not an incurable one, and that therefore a pension for life should not be granted.

As pointed out in a case in which my objections were furnished to the House of Representatives, and sustained by it, the pension should have continued during the disability and not for life.

For this reason my approval is withheld from these bills.

JAMES A. BEAVER.

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Veto of "An Act to Prohibit Deception in the Manufacture, Importation or Sale of Oil."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 27, 1889.

I FILE HEREWITH IN THE OFFICE OF THE Secretary of the Commonwealth, House bill No. 241, entitled "An act to prohibit deception in the manufacture, importation or sale of oil," together with my objection thereto.

The object of this bill is entirely proper. It aims to

protect the public from an impure and adulterated article, and points in the right direction. There is, however, a fatal omission in the bill as presented to me, occurring in the transcribing room or elsewhere which makes it incomplete.

The first section evidently intends to make it a misdemeanor for anyone by himself or by his agents to manufacture, import, sell or expose for sale, or to have in his possession with intent to sell, any oil, substance or compound made in imitation or semblance of olive oil, or as a substitute for olive oil and not exclusively and wholly pure olive oil, without stamping the same as an imitation or adulterated. It fails, however, to complete the sentence and omits to give effect in any way to what is recited.

It is easy to understand what is meant, or what the framer of the act intended it to do, but we must take the law as written and not as it was intended; and as there is nothing to indicate what is to be done with the person who fails to comply with the provisions of the bill, or as to how a failure to comply with its provisions is to be regarded, it ought not to find a place upon the statute books.

JAMES A. BEAVER.

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Vetoing of "An Act Making an Appropriation for the Maintenance to the Wills Eye Hospital, of Philadelphia."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 27, 1889.

FILE HEREWITH IN THE OFFICE OF THE  
Secretary of the Commonwealth, with the reasons  
for withholding my approval therefrom, House bill  
No. 683, entitled "An act making an appropriation

for the maintenance to the Wills Eye Hospital of Philadelphia.”

This is an admirable institution, admirably managed. It does good work—much of it charitable work. It may be fairly questioned, however, whether in the present outlook of the finances of the Commonwealth it should receive State aid. It has an invested capital of over \$400,000. Its annual income from its investments is about \$14,000. It invested and had in cash on hand on the 31st day of December, 1888, a sum more than equal to the entire State appropriation for that year. It is safe to say, therefore, that the institution can safely stand alone, and that it has reached the point when it no longer requires State aid.

If the estimated revenues of the Commonwealth were more than the known expenses, the appropriation might not be open to serious question and the will of the Legislature in reference to it carried into effect; but making the most liberal allowances for revenue, over and above the estimates of the Auditor General, it is very certain that the treasury is not in condition to meet the demands of institutions which can stand alone, or which can fairly carry themselves through until the meeting of the next Legislature.

For this reason the bill fails to meet Executive approval.

JAMES A. BEAVER.

Veto of "An Act Making Appropriation for the Relief of Mrs. E. E. Small, widow of Harry R. Small, Late a Private in Company E, of the Sixteenth Regiment of the National Guard of Pennsylvania."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 27, 1889.

**I** FILE HEREWITH IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 869, entitled "An act making an appropriation for the relief of Mrs. E. E. Small, widow of Harry R. Small, late a private in Company E of the Sixteenth Regiment of the National Guard of Pennsylvania."

Without in any way questioning the manner in which Harry R. Small lost his life, and whether he was in any way responsible for his death, a long line of precedents based, it seems to me, upon valid constitutional objections, forbids the approval of this bill.

Bills of this character have been held by my predecessors since the constitution of 1874 went into effect and by me as contrary to the provisions of our fundamental law. However, I might wish it otherwise, I am therefore compelled to follow the Constitution and well-considered precedents rather than my own feelings.

JAMES A. BEAVER.

Veto of "A Supplement to 'An Act Authorizing the Erection of a Poorhouse by the Townships of North Abington, South Abington and Newton, in the County of Luzerne,' Changing the Name of the District from Northern Luzerne to Lake View District, in Lackawanna County, Fixing the Compensation and Regulating the Election of Poor Directors Therein."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 29, 1889.

**I** FILE HERewith IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 427, entitled "A supplement to an act entitled 'An act authorizing the erection of a poorhouse by the townships of North Abington, South Abington and Newton, in the county of Luzerne,' approved April 4th, A. D. 1868, changing the name of the district from North Luzerne to Lake View district, in Lackawanna county, fixing the compensation and regulating the election of poor directors therein."

This bill relates exclusively to the poor district composed of three townships, formerly constituting a part of the county of Luzerne, but now a part of the county of Lackawanna. It seeks to change the name of the district composed of these townships, to fix the compensation and to regulate the election of poor districts therein.

The bill is purely local. It proposes to regulate the affairs of the townships composing the poor district referred to, so far as their poor are concerned. It is therefore clearly prohibited by the seventh section of the third article of the Constitution, which provides that the General Assembly shall not pass any local or special law regulating the affairs of cities, townships, wards, boroughs or school districts.



For this reason my approval is withheld from the bill.

JAMES A. BEAVER.

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Veto of "A Further Supplement to an Act, Entitled 'An Act to Establish an Insurance Department,' Approved the Fourth Day of April, One Thousand Eight Hundred and Seventy-three, and to a Supplement to that Act.' "

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 29, 1889.

I FILE HEREWITH IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 158, entitled "A further supplement to an act, entitled An act to establish an insurance department, approved April 4, 1873, and to a supplement to that act, entitled "A supplement to an act, entitled An act to establish an Insurance Department, approved the 4th of April, 1873, providing for the incorporation and regulation of insurance companies and relating to insurance agents and brokers and to foreign insurance companies, approved May 1, 1876, amending the twenty seventh section thereof and relating to the alteration and change of the par value of the shares of capital stock therein, and also to an act, entitled "A supplement to an act, entitled An act to establish an Insurance Department, approved April 4, 1873, providing for the further regulation of foreign insurance companies and relating to agents and others doing business with unauthorized insurance companies and defining penalties therefor, approved April 26, 1887, providing that any person or persons, company or corporation, by themselves or

their agents, may pay or forward premiums and applications for insurance, and effect insurance to and with certain insurance companies not authorized to do business in this State."

The object of this bill is two fold. It seeks first to amend the twenty-seventh section of the act approved May 1, 1876, relating to the alteration and change of the par value of the shares of capital stock in insurance companies, and also to amend the act of April 26, 1887, relating to agents and others doing business with unauthorized insurance companies and defining penalties therefor, providing that any person or persons, company or corporation, by themselves or their agents, may pay or forward premiums and applications for insurance and effect insurance to and with certain insurance companies not authorized to do business in this State.

These objects are entirely dissimilar in design, scope and effect. Whilst it is possible that they might be treated of in an original bill covering the whole subject of the incorporation of insurance companies, and the regulation of foreign insurance companies and the relations which insurers in Pennsylvania bear thereto, it is doubtful whether the obvious interpretation of the third section of the third article of the Constitution, which provides that—

"No bills except general appropriation bills shall be passed containing more than one subject, which shall be clearly expressed in its title"—

would not operate to destroy the bill. Inasmuch as there might be doubt upon this subject, however, my approval of the bill would not be withheld on that account.

The bill seeks, however, to exempt from the operation of the provisions of the law approved April 26, 1887, a class of persons doing business with a certain class of insurance companies. This is so plainly re-

pugnant to that clause of the seventh section of the third article of the Constitution which provides that—

“The General Assembly shall not pass any local or special law granting to any corporation, association or individual, any special or exclusive privilege or immunity”—

And further provided—

“Nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law.”—

that I am unable to raise a doubt in regard to the unconstitutionality of the act. This feature of the bill, would, in my judgment, be necessarily fatal to it. It is open, however, to other grave objections.

The policy of the Commonwealth in relation to foreign insurance companies is well defined and has heretofore, so far as possible, been consistently maintained. General regulations for the government of foreign insurance companies doing business in Pennsylvania have been enacted by the Legislature and enforced by the Executive branch of the government, for the double purpose of protecting the people of the Commonwealth in their business relations with such companies and of deriving revenue from such business.

It is incumbent upon the Commonwealth to treat all foreign corporations doing business here as nearly as may be alike, and to protect all our citizens in their business relations with such corporations. The act of 1887 is a general one, enacted with the evident purpose of accomplishing both these results. The present bill, so far as the latter part of it is concerned, aims to repeal the act of 1887, so far as it relates to citizens of the Commonwealth doing business with so-called factory mutual insurance companies not authorized to do business in Pennsylvania, on the ground that insurance so secured is very much cheaper and more satisfactory to our manufacturers, and that in order

to meet the requirements of the factory mutual insurance companies, they are compelled to expend large sums of money in preparing their establishments to avail themselves of the benefits of this kind of insurance.

The number of such insurance companies is limited. Some seventeen of them exist outside the limits of our Commonwealth. They are compelled, in order to determine whether or not the citizens of our Commonwealth can insure with them, to send their inspectors to Pennsylvania to make careful survey of the property proposed to be insured, to determine as to a compliance with their rules and regulations. It would be a very simple thing for these seventeen companies to appoint a single agent representing them all, who could reside in Philadelphia, take out a license as other companies do, and bring themselves within the provisions of the law. The obvious and only reply to this is, if this be done the receipts of these companies will be liable to taxation for State purposes, and we will be compelled to make our reports to the Insurance Department of Pennsylvania.

But on what principle should the receipts of these companies be exempt from taxation, or why—if insurance reports are to be made at all—should they not report their Pennsylvania business to the Insurance Commissioner of Pennsylvania?

The reply to this is that, in the case of the payment of premiums, although in the first instance an amount equal to what is charged by ordinary insurance companies is demanded of the assured, at the end of the year, or of the period for which the premium is paid, a large percentage of it is returned to the assured, which ought not to be considered as a premium, and which is in effect no premium, inasmuch as it is simply held as a guarantee fund in the hands of the company, and that therefore a payment of tax upon the premium originally paid would be unjust and inequitable.

The obvious reply to this is that our courts construe our laws. They are open to these companies as to all others, and to those who do business with them, and if the payment of tax upon the gross premiums paid would be unjust, the courts would unquestionably so decide.

The fact is that these factory mutual companies are classed and considered as insurance companies, in the ordinary sense of the term, by sister Commonwealths, and their receipts are taxed by them. There is no reason why their business should escape taxation; and if there were no constitutional objections to this bill, the objection that it is clearly against public policy, as directed toward the regulation of foreign insurance companies doing business in Pennsylvania and the revenue to be derived from them, makes it very doubtful whether my approval should not be withheld from the bill for this reason alone.

The constitutional objection, however, is to my mind entirely unanswerable, and, independently of the general policy of the bill, my approval must be withheld from it upon constitutional grounds.

**JAMES A. BEAVER.**

Veto of "An Act Authorizing the Commissioners of Fairmount Park to Lay Out and Build a Drive Whereon Horses May be Speeded at a Faster Rate than Seven Miles Per Hour, or Permit Such Persons as May Hereafter Volunteer to Build, Lay Out and Use the Same, With Free Access to the Public."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 29, 1889.

I FILE HERewith IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 331, entitled "An act authorizing the commissioners of Fairmount Park to lay out and build a drive whereon horses may be speeded at a faster rate than seven miles per hour, or permit such persons as may hereafter volunteer to build, lay out and use the same, with free access to the public."

This bill is clearly in conflict with the seventh section of the third article of the Constitution, which provides that the General Assembly shall not pass any local or special law regulating the affairs of counties, cities, &c., or relating to cemeteries, graveyards, or public grounds not of the State.

This objection is so clear and so vital, that it is hardly necessary to refer to other objections, which relate to the details of the bill. It may be proper, however, to call attention to one proviso of the bill, which asserts that—

"The city of Philadelphia or the said park commissioners shall in no wise be held responsible or liable to any action at law for any damage to personal or other property resulting from the operation of this act."

Such a provision would, of course, fail to meet the

intention which inspired it, but it only the more clearly shows the local character of the bill and the fundamental objection which compels me to withhold my approval, which is rendered necessary for the reason stated.

JAMES A. BEAVER.

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Veto of "An Act Creating the Office of Recorder and Defining the Duties and Powers of the Same in Cities Other Than Those of the First and Second Class in the Commonwealth of Pennsylvania."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, May 29, 1889.

**I** FILE HEREWITH IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 469, entitled "An act creating the office of recorder and defining the duties and powers of the same in cities other than those of the first and second classes in the Commonwealth of Pennsylvania."

This is not the first effort made by the Legislature to create courts and provide for the election of judges outside the provisions of our general laws relating thereto. All efforts heretofore made to make such provision have been found to be futile, because of the unconstitutionality of the laws providing therefor.

This bill does not in any way avoid the difficulties heretofore experienced, nor does it remove the objections heretofore made to similar efforts. The bill creates the office of recorder; it makes the recorder's office a court of record; its application is local and special.

The qualified electors of all cities, other than those



of the first and second classes, in the Commonwealth are authorized by the provisions of this bill, at the next annual election of city officers succeeding the passage of the act and every five years thereafter, to elect a competent person, learned in the law, who shall be a duly qualified elector of such city, and who shall have been admitted to practice in the court of common pleas in the county in which such city is situate, who shall be styled City Recorder.

The qualifications herein described are those of a judge. The Supreme Court has held that, although styled a recorder, a person so qualified is a judge within the meaning of the constitutional use of that term.

The fifteenth section of the fifth article of the Constitution provides that—

“All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well.”

The term of the recorder, as fixed in the bill under consideration, is five years. His term, therefore, is unconstitutional.

The eighteenth section of the same article of the Constitution provides that—

“The judges of the Supreme Court and the judges of the several courts of common pleas, and all other judges required to be learned in the law, shall, at stated times, receive for their services an adequate compensation which shall be fixed by law and paid by the State. They shall receive no other compensation, fees or perquisites of office for their services from any source, nor hold any other office of profit under the United States, this State or any other State.”

This bill provides that the compensation of the recorder shall be the fees received from suitors, and

from other sources pointed out in the bill. His pay is, therefore, unconstitutional.

Section twenty-sixth of the fifth article of the Constitution, which relates to the judiciary provides that—

“All laws relating to courts shall be general, and of uniform operations, and the organization, jurisdiction and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such courts shall be uniform; and the General Assembly is hereby prohibited from creating other courts to exercise the powers vested by this Constitution in the judges of the courts of common pleas and orphans’ courts.”

This bill undoubtedly seeks to create courts of record. The operation of the law is not uniform. It is confined under our present classification of cities to those of the third class.

Although the classification of cities for purely municipal purposes has been recognized, and will doubtless continue to be recognized by our courts, it is very clear from recent utterances of our highest tribunal that they will not go beyond the present classification, nor for other than purely municipal purposes. The jurisdiction of the recorder’s court, by the provisions of this bill, is made to embrace many subjects other than those which are purely municipal; and, so far as municipal affairs are concerned, the recorder has simply concurrent jurisdiction with the mayor, and is in no sense a necessity.

The classification of cities would not, it seems to me, be recognized in such a case as this, and the election of recorder and the creation of a recorder’s court being, by the provisions of the act, confined to cities of the third class, the act is necessarily of local application and would inevitably fail for this reason.

Other constitutional objections, arising under section seven of the third article of the Constitution, will

readily suggest themselves, which are in my judgment equally fatal to this bill, particularly that which provides that the General Assembly shall not pass any local or special law regulating the affairs of counties, cities, &c.

Without enumerating the many other constitutional difficulties, those already referred to will abundantly show the fatally defective character of the bill under consideration, and will be abundant justification for the Executive in withholding his approval from it. This is therefore done, although the desirability of relief in certain of our cities is very apparent, and it would be well if some mode of relief were discovered.

JAMES A. BEAVER.

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Veto of "An Act to Amend 'An Act to Authorize the Erection of a Poorhouse by the Borough of Dunmore, Borough of Scranton and Township of Providence, in the County of Luzerne,' Giving the Power of Appointment of Said Directors to the Judges of the Court of Common Pleas of Lackawanna County."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 29, 1889.

I FILE HEREWITH IN THE OFFICE OF THE Secretary of the Commonwealth, Senate bill No. 241, entitled "An act to amend the second section of a further supplement to an act entitled 'An act to authorize the erection of a poor house by the borough of Dunmore, borough of Scranton and the township of Providence, in the county of Luzerne,' approved April 9th, 1862, giving the power of appointment of said

directors to the judges of the court of common pleas of Lackawanna county." with my objections thereto.

Under the provisions of a supplement to the act recited in the title of this bill, approved March 16, 1866, the power to appoint directors of the poor for the district referred to was conferred upon the president judge of the court of common pleas in and for the county of Luzerne in the manner therein provided. This bill seeks, so far as its title is concerned, to confer the power of appointment of said directors upon the judges of the court of common pleas of Lackawanna county. As a matter of fact, however, this is but a part of what is sought in the bill, for a proviso attached thereto enacts that—

"At the election in February, 1892, and every third year thereafter there shall be elected seven directors of the poor in said district, one from each of the districts as now constituted and represented upon said board."

The title therefore is fatally defective, reciting only a portion of what is contained in the bill, and being entirely misleading as to the main effect of it.

It would seem from a careful examination of the bill, as if the proviso had been attached after the bill was drawn, without amending the title so as to conform to the amended bill. However this may be, it is very certain that the bill would not be allowed to stand, and its approval would only lead to uncertainty and trouble in the future.

The minor defect in the title, owing to the omission of the recital of the amendment of 1866, is not of such a grave character in and of itself to call for Executive interference. It is open to objection also under the seventh section of the third article of the Constitution, but the defect in its title is so manifest and so conclusive against the bill that it is not necessary to refer to the other objections at length.

Some legislation is undoubtedly necessary to relieve the present anomalous condition of affairs under which the president judge of Luzerne county appoints officers for the county of Lackawanna. This, it is hoped, may be done in such a way as to avoid the objectionable features which are herein pointed out.

For the reasons stated I am compelled to withhold my approval from this bill.

JAMES A. BEAVER.

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Veto of Acts (1) "Making Appropriation for the Erection and Furnishing of a Hospital in the City of New Castle, Lawrence County, Pennsylvania, for the Care and Treatment of Sick and Injured Persons, and to repeal 'An Act Making an Appropriation for the Purpose of Assisting in the Erection and Furnishing of a Hospital in the City of New Castle;'" (2) "Making an Appropriation for the Erection and Furnishing of a Hospital, for the Care and Treatment of Sick and Injured Persons in the County of Beaver," and (3) "To Make an Appropriation to the Pittston Hospital Association."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 31, 1889.

I FILE HERewith IN THE OFFICE OF THE Secretary of the Commonwealth, House bill No. 631, entitled "An act making an appropriation for the erection and furnishing of a hospital in the city of New Castle, Lawrence county, Pennsylvania, for the care and treatment of sick and injured persons, and to repeal an act entitled 'An act making appropriation for the purpose of assisting in the erection and furnishing of a hospital in the city of New Castle.'"

House bill No. 626, entitled "An act making an appropriation for the erection and furnishing of a hospital for the care and treatment of sick and injured persons in the county of Beaver;" and House bill No. 750, entitled "An act to make an appropriation to the Pittston Hospital Association"—together with the reasons which influence me in withholding my approval therefrom.

On the 3d day of June, 1887, I was induced to approve an act entitled "An act making an appropriation for the purpose of assisting in the erection and furnishing of a hospital in the city of New Castle, Lawrence county, Pennsylvania," in which the sum of \$10,000 was appropriated, conditioned upon a like amount being subscribed and paid toward the furnishing and maintenance of the said hospital, or upon condition that the board of trustees thereof had become the owner in fee simple of real estate to be used for hospital purposes, at least equal in cash value to the amount of the appropriation therein provided.

It was represented to me that there was urgent need for the erection of such a hospital, and that upon the approval of the bill the conditions necessary to meet its requirements would be immediately complied with. These conditions were not in any way onerous, and if there was earnest desire on the part of the people for such an institution they should have been promptly met. They are still open, and if there be desire for a hospital it can be had under the terms of the act approved June 3d, 1887.

Hospital accommodations in the neighborhood of the other localities named are not wanting, and in the present condition of our treasury and its estimated receipts and known expenditures for the next two years, it is altogether impolitic, it seems to me, to start new institutions of this character—particularly where so little is required of the locality in which they are

to be placed. Unless there be reasonable prospect of sufficient interest in any given community to provide for the maintenance of such institutions, it would hardly seem to be advisable to increase the number, already a serious drain upon our revenues.

JAMES A. BEAVER.

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Veto of "An Act to Provide for the Erection of Independent Poor Districts, and the Regulation of the Same."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 31, 1889.

**I** FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 682, entitled "An act to provide for the erection of independent poor districts and the regulation of the same."

This bill seeks by its provisions to confer upon the courts of quarter sessions of certain counties of the Commonwealth the right to form independent poor districts out of one or more townships, or parts thereof, upon the petition of not less than twenty taxable inhabitants.

Section eight of the bill provides—

"That this act shall not affect poor districts co-extensive with the county in which they are located."

This provision necessarily limits the operations of the bill, and would prevent the courts of quarter sessions exercising the powers conferred therein in a large portion of the counties of the Commonwealth. This, of course, localizes the application of the pro-



visions of the bill, and is repugnant to the seventh section of the third article of the Constitution, which provides that the General Assembly shall not pass any local or special law regulating the affairs of counties, cities, townships, etc.

The fifth section of the bill is by no means clear. It provides that—

“The court of quarter sessions of the peace shall on hearing, which shall be in the nature of proceedings in equity, determine whether an undue proportion of the real estate belonging to the old district or districts are (Sic) within the bounds of the new district, and if so how much money shall be paid therefor by the new to the old district or districts, and in what proportion and in what time, and if less than its due share of real estate is within the new district, how much shall be paid to it by the old district or districts, and in what proportion and at what times.”

I am not entirely sure that I clearly understand the meaning of this section of the bill. It would seem to mean that if a new district is formed, in such a way as to take from the old valuable real estate for the purposes of taxation, so that the old district will be unable to maintain itself, by reason of valuable taxable property having been taken away from it, that the new district shall pay to the old for the right to tax this property. The practical operation of this provision of the bill would be, that property transferred to a new district might be compelled not only to pay for the maintenance of the poor in that district, but would be compelled also to pay for having been transferred from one district into another.

The whole spirit of the bill is against the present policy as outlined by our Constitution, and sought to be carried out by general legislation since its adoption. The general tendency is to generalize rather than to localize. The tendency of this bill is to localize in

a manner which seems to be not only impolitic, but, as has been pointed out, unconstitutional.

For this reason my approval is withheld from the bill.

JAMES A. BEAVER.

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Veto of "An Act Making an Appropriation for the Payment of a Debt Incurred by the Medical and Surgical Department of the Western Pennsylvania Hospital, at Pittsburgh, for the Maintenance of Charity Patients and Discharged Soldiers."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 31, 1889.

I FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth House bill No. 694, entitled "An act making an appropriation for the payment of a debt incurred by the medical and surgical department of the Western Pennsylvania hospital, at Pittsburgh, for the maintenance of charity patients and discharged soldiers," together with the reasons which force me to withhold my approval therefrom.

I have already approved a bill making a large appropriation to this hospital, covering deficiencies for past years. This was done with great reluctance, for the reason that it seems to me to be a great mistake to make up deficiencies for charitable institutions.

Notwithstanding liberal appropriations by the State, this institution seems to have annual deficiencies, which would argue a want of interest in it by the people among whom it is situated.

It is alleged that the amount of the appropriation sought by the bill under consideration was taken from

the property or endowment of the hospital, in order to pay pre-existing debts, and it is sought now to have this amount restored to the hospital in order that it may be invested for its benefit.

The State is certainly not in a condition financially to endow this or any other institution, and inasmuch as liberal appropriations have already been made for its maintenance, and the deficiencies of the past year or years, it would seem that the Commonwealth was in no situation to do more at the present time.

JAMES A. BEAVER.

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Veto of "An Act to Require the Assessors of the Several Counties Within This Commonwealth to Assess all Seated Lands in the Township or Borough in Which the Mansion House is Situate, When the Line Separating a Borough from a Township, one Township from Another, or One Borough from Another, Divides a Tract of Land."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, May 31, 1889.

I FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 424, entitled "An act to require the assessors of the several counties within this Commonwealth to assess all seated lands in the township or borough in which the mansion house is situate, when the line separating a borough from a township, one township from another, or one borough from another divides a tract of land."

Independently of the question of the right of the Legislature under the Constitution to pass such a

bill as this, it would, if it became a law, operate in such a way as to do great injustice in two directions. It might become oppressive to the individual citizen whose mansion house is situate within a borough, but whose farm, with the exception of the mansion house, might be in the adjoining township. Under the provisions of the bill, this farm in its entirety would be taxable for all purposes within the borough, thus imposing upon the individual owner a burden for the repair of streets and for other purposes, without any compensating advantage, the borough authorities being under no obligation to keep in repair the roads through or adjoining his farm.

It would further take away from the township taxable property, upon which it has a right to rely for the repair of its roads and other purposes. Why should the obligation to keep in repair the roads through or adjoining such property be imposed, when it is deprived of the benefit of taxation to be derived therefrom?

So far as schools are concerned, the operation of the bill, if it became a law, might be somewhat fairer; the owner of the farm, if he lived in his mansion, being of course, entitled to the benefit of the schools of the borough. If, however, he had a tenant residing without the borough, he would have no benefit of the borough schools, and could not equitably have the benefit of any of the schools in the township to which the property contributed nothing in the way of taxation.

The bill in question would work this double injustice, and hence should not in my judgment become a law; and this irrespective of the question as to whether or not the Legislature has the power to transfer bodily, for the purpose of taxation, real estate from a township to a borough, or from one township to another, without changing the municipal relations of the property in other respects.

JAMES A. BEAVER.

Veto of "An Act Providing for the Creation and Distribution of a Fund for the Care, Maintenance and Relief of Aged or Disabled Policemen, in Cities of the Second Class in this Commonwealth."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 31, 1889.

**I** FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 135, entitled "An act providing for the creation and distribution of a fund for the care, maintenance and relief of aged or disabled policemen in cities of the second class in this Commonwealth."

However meritorious in itself this bill may be—and it certainly has merit—it is open to grave constitutional objections which are, in my opinion, so inseparable that it is impossible for me to give it my approval, as I would be very glad under other circumstances to do.

The bill appropriates as a fund for the care, maintenance and relief of the aged or disabled policemen, two percentum of all moneys received from licenses for the selling of spirituous, vinous, malt or brewed liquors, or any admixture thereof, in the city wherein such disability board may exist.

This is an appropriation of the revenue of the Commonwealth to a particular locality or community, which is forbidden by the eighteenth section of the third article of the Constitution.

The bill also becomes local in its application by this clause, which appropriates the revenues of the Commonwealth to a particular locality, to the virtual exclusion of all other localities. It seems to me that the bill might have been sustained if this particular clause had been omitted from it. It would then relate

exclusively to municipal affairs and would come, as to the latter objection, within the principle laid down by our Supreme Court for the classification of cities, and would be entirely free from the objection of an appropriation to a particular community; inasmuch as all other funds set apart for the purposes of the bill are of a municipal and local character.

It is barely possible that the intention may have been only to appropriate two per centum of that portion of the license payable to cities of the second class, and if it had been clearly so expressed the bill might have stood. As it is, however, the objections are so manifest that I am unable to raise even a doubt as to the constitutionality of the bill, although my feeling is greatly in its favor and I have sought to avoid the necessity for Executive interference. Being unable to do this, my approval is withheld.

JAMES A. BEAVER.

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Veto of "An Act to Amend the Tenth Section of An Act, Entitled 'An Act to Establish an Insurance Department,' Requiring the Insurance Companies or Associations not Incorporated Under the Laws of this State, to Pay a Portion of the Tax on Premiums to the City or Borough Treasurers, on Insurance Effected within the Limits of Said District, and Regulating the Collection Thereof."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, May 31, 1889.

I FILE HEREWITH IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 159, entitled "An act to amend the tenth section of an act, entitled 'An act

to establish an Insurance Department,' approved April 4, A. D. 1873, requiring the insurance companies or associations not incorporated under the laws of this State to pay a portion of the tax on premiums to the city or borough treasurers, on insurance effected within the limits of said district, and regulating the collection thereof."

Much as I have desired, and great as I have sought to find grounds on which this bill might meet Executive approval, I am compelled to withhold my approval for two manifest and insuperable constitutional objections.

The bill is clearly one of local application. Its provisions apply only to cities of the third class and to boroughs within the Commonwealth, and it is therefore clearly in violation of the seventh section of the third article of the Constitution, which provides that—

"The General Assembly shall not pass any local or special law regulating the affairs of counties, cities, townships, wards, boroughs or school districts."

It is also clearly opposed by the eighteenth section of the same article of the Constitution, which provides—

"No appropriation, except for pensions or gratuities for military services, shall be made for charitable, educational or benevolent purposes, to any person or community."

The manifest intent of this bill, and that which makes it appeal to personal favorable consideration very strongly, is to provide a fund for disabled volunteer firemen. This is a worthy and desirable object. It is very clear, however, that under our present Constitution it cannot be attained either directly or indirectly, unless some general law can be devised applicable alike to each and every locality in the Commonwealth, and the fund necessary for the purposes in view can be raised by local taxation.



However we might wish it otherwise, the objections are so clear and so convincing that it is impossible to escape their logical result, which is the disapproval of the bill.

JAMES A. BEAVER.

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Veto of "An Act to Fix the Salaries of the Judges of the Courts of this Commonwealth."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, May 31, 1889.

I FILE HEREWITH IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 230, entitled "An act to fix the salaries of the judges of the courts of this Commonwealth."

This bill in itself considered, and without reference to its application and practical effect, is in my judgment in its provisions in accord with the Constitution. The Legislature undoubtedly has the right to fix the salaries of the judges of the different courts of the Commonwealth, and if it were not plainly evident from the term of the bill itself, and from what is known outside the bill as to the intent of the Legislature in regard to it—that the bill is to have present application and to affect the salaries of all the judges of the Commonwealth now in commission—it might well receive Executive approval.

If Executive action in regard to this bill were to be based upon personal grounds, it would have received approval immediately upon its passage. Every consideration but that of hard and unrelenting duty points to its approval.

The bill as it was discussed in the Legislature, as it has been discussed in the public prints since its ad-

jourment, as its intent is viewed by the people and finds expression in their general speech, and as it is known to be regarded by many of those who are supposed to be benefitted thereby, is to be considered as having present general application.

As already remarked, if the bill were considered abstractly and without reference to its application, it might stand upon constitutional grounds. If, however, it is intended that it shall apply to the judges now in commission, it is so clearly unconstitutional that it is impossible for the Executive, after the most careful investigation, and after consultation with the best disinterested legal talent with which he could consult, to come to any other conclusion that the bill is diametrically opposed by the thirteenth section of the third article of the Constitution, which provides that—

“No law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment.”

The bill in general terms increases the salary of each and every judge in the Commonwealth \$1,000 per annum, and repeals all laws now in force which provide for the payment of judicial salaries. If the Legislature had inserted a simple proviso that this bill shall not apply to any judge now in commission, there could have been no question in regard to it, so far as the Constitution is concerned; but this proviso was not inserted, and on the other hand it was clearly made apparent before the bill was passed—and has been made more apparent to the Executive since its passage—that the object of the repealing clause was to make it applicable to the judges now in commission.

It is in general the province of the courts to interpret the laws, but if this bill were approved and its applicability to our present judges were to be referred

to the courts, there is no judge now in the Commonwealth who would desire to give an opinion in regard to it, inasmuch as he would be directly interested in the result of that opinion. It is to the credit of our judges that they are so sensitive upon this subject, that probably not one in the Commonwealth could be found who would desire or be willing to pass upon the question. It is therefore incumbent upon the Executive to consider this bill with reference to its effects.

The section of the Constitution which has been quoted is so simple, so clear, and so emphatic that it can be construed by any person of good common sense. It finds universal interpretation among the people, and has been quoted to the Executive in numerous communications in such a way as to lead to the belief that it has been carefully considered by great numbers of our citizens who lay no claim to legal acquirements or professional acumen. Such interpretation is as plain as the language of the Constitution itself, and leaves no doubt as to what the general belief of the people upon this subject is.

It has been alleged that the seventeenth section of the schedule attached to the Constitution, which reads as follows—"The General Assembly, at the first session after the adoption of this constitution shall fix and determine the compensation of the judges of the Supreme Court and of the judges of the several judicial districts of the Commonwealth, and the provisions of the Fifteenth (Sic.) section of the article on legislation shall not be deemed inconsistent herewith. Nothing contained in this Constitution shall be held to reduce the compensation now paid to any law judge of this Commonwealth now in commission"—and the fact that the Legislature at its first meeting after the adoption of the Constitution did not by general law fix the compensation of the judges of the Commonwealth, and that such compensation has never yet been fixed in one law by the Legislature, is justification for

immediate and universal application of the present bill, if it should become a law, to all judges in the Commonwealth.

The Legislature having failed to pass such a general law at its first meeting after the adoption of the Constitution, it might well be questioned whether such general law could ever thereafter be passed under the provisions of this section of the Constitution. Inasmuch, however, as since that time the salaries of all the judges have been fixed by the Legislature time and time again, in general appropriation bills and in other bills relating to salaries, inasmuch as the present Legislature fixed the salary of each judge of the several courts of the Commonwealth in exact and definite amount, it seems to the Executive mind so perfectly clear that the Legislature had no authority under this section of the schedule to fix the salaries of our present judges, without coming in conflict with the section of the third article hereinbefore quoted, that it is impossible to raise a respectable doubt upon the subject.

As this question is now viewed, it is not one as to whether the judges are well paid or ill paid. It is not a question as to whether the men of high character, and of undoubted professional attainments who honor our bench by their presence could make more or less than they now receive as salaries in their profession.

It is not a question as to whether the revenues are, or are likely to be, equal to the expenditures of the Commonwealth for the next two years. The question is high above all such considerations as these. No public question since the incumbency of the present Executive has received such wide discussion and has been carried to the Executive Chamber in such undoubted and unequivocal tones. There can be no doubt that if the present bill became a law, and the present judges of our courts were to avail themselves of its provisions without legal protest from any quarter, the bench would be degraded in public esteem, and

its decisions upon other questions fail of the respect which they now receive and to which they are undoubtedly entitled.

The members of our Supreme Court especially need relief. This bill affords them no relief whatever. Increased pay does not mean increased ability to work. If the Legislature had provided a secretary for each member of our Supreme Court, or two or three good stenographers for the entire court, relief could have been had, and much more satisfactory work rendered by the judges.

It is needless, however, to discuss this subject now. The question is solely as to the duty of the Executive in regard to the bill now awaiting his consideration. It is safe to say that this bill has received more thought, more care, more examination, and has been approached with more solicitude than all other legislation of the last session of the Legislature combined.

It is fair to say—and perhaps ought to be said in this connection—that the only judge to whom the question of the applicability of this bill to the judges now in commission was squarely put, replied without hesitation: “It never occurred to me that this bill could relate to any judges now in commission, or that any one of them could receive any benefit from it.” This, however, is not the popular belief, and it is well known that it is not the belief of many of our judges.

In order, therefore, that there may be no question on the subject, in order that the dignity and purity of the bench may be held above suspicion, in order that the mandate of the Constitution shall not even be questioned, and in order that the voice of the people, which has been borne to the Executive in petition, letters and telegrams in regard to this bill more than as to all other combined, may be heeded, Executive approval must be withheld therefrom.

**JAMES A. BEAVER.**

Veto of "An Act to Provide for the Incorporation and Regulation of Certain Corporations to be Known as Friendly Societies, and for the Re-incorporation of Corporations Heretofore Organized for Beneficial or Protective Purposes, to their Members from Funds Collected Therein."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 1, 1889.

I FILE HEREWITH IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 172, entitled "An act to provide for the incorporation and regulation of certain corporations, to be known as friendly societies, and for the re-incorporation of corporations heretofore organized for beneficial or protective purposes to their members from funds collected therein."

The title of this bill is a misnomer. The impression conveyed by the reading of its title, is that the bill is intended to make provision for such societies as distribute their benefits to their members. Its real purpose is to authorize the incorporation, under the name of friendly societies, of stock companies, whose business it is to issue policies of insurance of different kinds and grades, with the view of benefitting the stockholders of the companies so incorporated. The benefits resulting from such societies to persons in moderate circumstances are dwelt upon as the justification of legislation of this kind, just as the title conveys the idea of benefits to the insured.

It is possible that those desiring small insurance may be benefitted to some extent by organizations of the character proposed in this bill, but it is very sure that in the end the results are likely to be disappointment and loss to the great majority.

The bill proposes to mix life and accident insurance,



superannuated, sick and death benefits, and to authorize a single company to issue policies covering every known kind of insurance and benefits. The minimum stock of a company to be organized under the provisions of this bill is, \$25,000, but 50 per cent. of which must necessarily be paid into the treasury. Under our present system of laws the minimum capital of a life insurance company is \$100,000, which must be full-paid before the company is authorized to do business. Such a company must establish and maintain a reserve for the benefit of its policy holders, which is fixed by law; and inasmuch as the average death rate is well known, this reserve can be definitely ascertained and fixed. For this reason, capital stock life insurance companies as now organized are limited to that particular kind of business, whose reserve can be definitely ascertained and estimated.

It is alleged that no provision for a reserve can be made for companies such as would be established under the provisions of this bill, because no tables are accessible which can fix the average amount of sickness, accident, &c., so as to provide for a reserve on the definite plan prevailing in life insurance companies, and because of the failure to do this it is alleged that no reserve ought to be provided for.

This is the vice of this bill. By commingling these different kinds of insurance, as is now forbidden by law, the effort is made to get rid of all responsibility and of all security to the insured, except the pittance of stock which is provided for. The policy of our insurance laws is to take care of the insured, and not of the insurance companies. No provision whatever is made for the security of those holding policies in companies to be organized under the provisions of this bill, except the miserable pittance of \$12,500 as a minimum, which, as is well known by insurance companies doing insurance in this State, is no security whatever.



It is alleged that this bill should become a law because companies of the same sort, with less capital, are doing business to-day in Pennsylvania. So much the worse for the laws which permit such institutions to take the hard earnings from our wage earners, without the security which ought to be given to them for the returns which they have a right to expect.

Our laws regulating insurance companies, instead of being broadened and made more liberal, should be made—as is the case in sister Commonwealths, whose reputation for safety to the insured in their companies has been established—much more strict and conservative, and impose greater obligations upon companies doing business with our people.

It is alleged that business can be safely and profitably done under the provisions of this bill, if the parties doing the business are honest. This is no doubt true, but legislation of this kind ought to be framed with the view of compelling persons who are not disposed to do business safely and honorably, to give security for meeting the obligations to their members and maintaining at all times in their treasury such a reserve as will enable them to give this security, and make it known to the examining officers of the Insurance Department.

The provisions of this bill, as I regard it, would uproot and overturn our whole insurance system as at present devised—not in the interest of safety or security to the insured, but in the interest of looseness and irresponsibility.

If the insurance system of Pennsylvania is to become a safeguard to our people, and to those doing business with Pennsylvania companies outside their own borders, we must follow the other road, which leads to closer and more careful examination and more stringent laws for securing the interests of the insured, rather than the broad road which is pointed out by the provisions of this bill.

It is not intended to intimate hereby that the parties immediately desiring to secure the benefits of this bill would organize companies intended to injure anyone, or to wrong their policy holders; but, inasmuch as the provisions of the bill can be used in the interest and for the benefit of the few stockholders, at the expense of the many policy holders, it seems to the Executive impolitic to have this bill become a part of our insurance system, and his approval is therefore withheld therefrom.

JAMES A. BEAVER.

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Vetoing of Part of "An Act to Make an Appropriation to the Pennsylvania Working Home for Blind Men, for the Erection of Workshops and Necessary Improvements."

**A**PPROVED: THE 25TH DAY OF MAY, A. D. 1889, as to the item of thirty thousand dollars for the year 1889, and disapproved as to the item of thirty thousand dollars for the year 1890, because of the necessity for retrenchment in making expenditures conform to the revenues of the Commonwealth.

JAMES A. BEAVER.

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Vetoing of Part of "An Act Making an Appropriation to the State Hospital for Injured Persons of the Anthracite Coal Regions for the Salaries of Officers, Support and Maintenance, and for Repairs and Improvements to the Building."

**A**PPROVED: THE 25TH DAY OF MAY, A. D. 1889, with the exception of the items: First, for the erection of a dining room for patients and dormitories for employes, three thousand dollars; 2d for ceil-

ing, plastering and cementing the cellar, five thousand dollars, and 3d. for horses, harness and wagons, two thousand dollars; which are hereby severally disapproved. There are already two dining rooms in the main or administrative building; one of these should be used for convalescents and employes. At least one half of the administrative building should be surrendered to assistants and employes, and if it were so surrendered there would be no necessity for additional dormitories. The cellar should be improved, but it will not require such a sum as is appropriated, nor is there necessity for the expenditure of two thousand dollars for horses, harness and wagons. This hospital is constructed and has been furnished and conducted too much as an establishment for a superintendent with a hospital attached. The policy should be, and it is hoped will be reversed, and if it is the appropriations herein made will be amply sufficient for all the needs of the institution and for making all necessary repairs and improvements and purchasing any additional horses and vehicles which may be needed for strictly hospital purposes.

JAMES A. BEAVER.

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Vetoing of Part of "An Act to Appropriate Certain Moneys to the Hospital Department of the Hahnemann Medical College and Hospital of Philadelphia."

**A**PPROVED: THE 29TH DAY OF MAY, A. D. 1889, for the item of twenty-five thousand dollars payable in the year, commencing the first day of June, 1889, and disapproved as to the item of twenty-five thousand dollars payable in the year commencing the first day of June, 1890, on account of the excess

of appropriations over the estimated revenues of the Commonwealth for the next two years.

JAMES A. BEAVER.

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Vetoing of Part of "An Act Making an Appropriation for the Support of the Hospital of the Jefferson Medical College of Philadelphia."

**A**PPROVED: THE 29TH DAY OF MAY, A. D. 1889, for the item of ten thousand dollars payable in the year commencing the first day of June, 1889, and disapproved as to the item of ten thousand dollars payable in the year commencing the first day of June, 1890, on account of the excess of appropriations over the estimated revenues of the Commonwealth for the next two years.

JAMES A. BEAVER.

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Veto of Part of "An Act to Make an Appropriation to the Veterinary Hospital of the University of Pennsylvania, for the Establishment of a Veterinary Hospital."

**A**PPROVED: THE 29TH DAY OF MAY, A. D. 1889, as to the item of twenty-five thousand dollars for the year 1889, and disapproved as to the item of twenty-five thousand dollars for the year 1890 because of the excess of appropriations over estimated revenues of the Commonwealth for the next two years.

JAMES A. BEAVER.

Vetoing of Part of "An Act Making an Appropriation to the Philadelphia Polyclinic and College for Graduates in Medicine."

**A**PPROVED: THE 29TH DAY OF MAY, A. D. 1889, for the item of ten thousand dollars payable in the year commencing the first day of June, 1889, and disapproved as to the item of ten thousand dollars payable in the year commencing the first day of June, 1890, on account of the excess of appropriations over the estimated revenues of the Commonwealth for the next two years.

JAMES A. BEAVER.

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Veto of Part of "An Act to Provide for the Ordinary Expenses of the Executive, Judicial and Legislative Departments of the Commonwealth, Interest on the Public Debt, and for the Support of the Public Schools for the Years Anno Domini One Thousand Eight Hundred and Eighty-nine and One Thousand Eight Hundred and Ninety."

**A**PPROVED: THE 29TH DAY OF MAY, A. D. 1889, with the exception of the following items, for the reasons set forth in connection with each item respectively:

First, The item in connection with the Adjutant General's Department of seventy-five thousand dollars for the purchase of dress uniforms for the National Guard of Pennsylvania, because of the excess of appropriations over and above the estimated revenues of the Commonwealth for the next two years. The National Guard deserves and should have a dress uniform as soon as the condition of the treasury warrants

it, but when deserving charities must be curtailed because of anticipated lack of revenues there are no members of the Guard who would be satisfied to wear fine clothes at their expense. Our guardsmen are soldiers and are annually becoming more and more proficient in soldiery arts and qualities. They rely more upon the solid acquirements which distinguish them than upon the tailors' art, which can at best adorn only the exterior.

Second. The item contained in Section 24 to Mrs. Mirtie M. Norris, widow of A. Wilson Norris, late Auditor General, the balance of salary and emoluments for the unexpired term for which he was elected.

Third. The item contained in Section 30 for the payment to the legal representatives of Henry W. Williams, deceased, late a Justice of the Supreme Court of the Commonwealth, the salary for the unexpired part of the year one thousand eight hundred and seventy-seven, five thousand four hundred and ninety-nine dollars and sixty-nine cents.

Fourth. The item contained in Section 31, for the payment to the legal representatives of John Trunkey, deceased, late a Judge of the Supreme Court of the Commonwealth, the salary for the unexpired part of the year one thousand eight hundred and eighty-eight, four thousand six hundred and sixty seven dollars.

Fifth. The item contained in Section 32, for the payment to the legal representatives of James B. Knox, deceased, late a judge of the court of common pleas of the Eighteenth Judicial District of the Commonwealth, the salary for the unexpired part of the quarter commencing December first, one thousand eight hundred and eighty-four, the balance of seven hundred and fifty-three dollars.

These last five items are for the payment of salaries of public officers beyond their time of service and after death. The first for the balance of the term,

two for the balance of the year and the last for the balance of the quarter in which they had died respectively. The technical objection that these items are not properly in the general appropriation bill, the proper items of which are specifically set out in the fifteenth section of article three of the Constitution, would seem to compel their disapproval. But appropriations of this character are absolutely forbidden by the Constitution, and whilst we might wish it, and in all these cases do wish it otherwise, obedience to the mandate of the Constitution requires their disapproval. It is a hard thing to do.

JAMES A. BEAVER.

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Proclamation Relative to the Sufferers from the  
Johnstown Flood.



Commonwealth of Pennsylvania,  
nia,

Executive Chamber,

Harrisburg, Pa., June 3rd, 1889.

To the People of the United States:

The Executive of the Commonwealth of Pennsylvania has refrained hitherto from making any appeal to the people for their benefactions, in order that he might receive definite and reliable information from the centers of disaster during the late floods, which have been unprecedented in the history of the State or Nation.

Communication by wire has been established with Johnstown to-day. The civil authorities are in control, the Adjutant General of the State co-operating with them. Order has been restored and is likely to continue. Newspaper reports as to loss of life and



property have not been exaggerated. The valley of the Conemaugh, which is peculiar, has been swept from one end to the other as with the besom of destruction. It contained a population of 40,000 to 50,000 people, living for the most part along the banks of a small river, confined within narrow limits. The most conservative estimates place the loss of life at five thousand human beings, and of property at \$25,000,000. Whole towns have been utterly destroyed; not a vestige remains. In the more substantial towns the better buildings, to a certain extent, remain, but in a damaged condition. Those who are least able to bear it have suffered the loss of everything.

The most pressing needs, so far as food is concerned, have been supplied. Shoes and clothing of all sorts, for men, women and children, are greatly needed. Money is also urgently required to remove the debris, bury the dead, and care temporarily for widows and orphans, and for the homeless generally. Other localities have suffered to some extent in the same way, but not in the same degree. Late advices would seem to indicate that there is great loss of life and destruction of property along the West Branch of the Susquehanna and in localities from which we can get no definite information. What does come, however, is of the most appalling character, and it is expected that the details will add new horrors to the situation.

The responses from within and without the State have been most generous and cheering. North and South, East and West, from the United States and from England, there comes the same hearty generous response of sympathy and help. The President, Governors of States, Mayors of cities, individuals and communities, private and municipal corporations, seem to vie with each other in their expressions of sympathy, and in their contributions of substantial aid.

A careful organization has been made upon the

ground for the distribution of whatever assistance is furnished in kind. The Adjutant-General of the State is there as the representative of the State authorities, and is giving personal attention—in connection with the chief burgess of Johnstown, and a committee of relief—to the distribution of the help which is furnished. Funds contributed in aid of the sufferers can be deposited with Drexel & Co., Philadelphia, Jacob C. Bomberger, banker, Harrisburg, or William R. Thompson & Co., bankers, Pittsburg. All money contributed will be used carefully and judiciously. Present wants are fairly met. A large force will be employed at once to remove the debris and bury the dead, so as to avoid disease and epidemic.

The people of the Commonwealth and others, whose unselfish generosity is hereby heartily appreciated and acknowledged, may be assured that their contributions will be faithfully husbanded and judiciously expended, and that every effort possible will be made to bring their benefactions to the immediate and direct relief of those for whose benefit they are intended.

JAMES A. BEAVER.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

### Proclamation of Vetoes. 1889.

Pennsylvania, ss:



IN THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania. JAMES A.  
BEAVER, Governor of the said Com-  
monwealth.

## A PROCLAMATION.

I, James A. Beaver, Governor of the Commonwealth of Pennsylvania, have caused this Proclamation to issue and in compliance with the provisions of Article 4, Section fifteen of the Constitution thereof, do hereby give notice, that I have filed in the office of the Secretary of the Commonwealth with my objections thereto the following Bills passed by both Houses of the General Assembly, viz:

House Bill No 254 Entitled An Act providing for the payment for horses condemned appraised and killed under the provisions of the act of June Second one thousand eight hundred and eighty seven.

House Bill No. 696 Entitled An Act making an appropriation towards the support of the House of St. Michael and All Angels in Philadelphia.

House Bill No. 770 Entitled An Act making an appropriation to the Surgical Department of the Mercy Hospital at Pittsburg.

House Bill No. 357 Entitled An Act granting an annuity to Archibald D. Knox a private in company G, thirty-fifth regiment Pennsylvania State Militia.

House Bill No. 358 Entitled An Act granting a gratuity and annuity to David Costley of Tioga county Pennsylvania a private in company G, thirty-fifth regiment Pennsylvania militia.

House Bill No. 224 Entitled An Act to prohibit deception in the manufacture importation or sale of oil.

House Bill No. 683 Entitled An Act making an appropriation for the maintenance to the Wills eye Hospital of Philadelphia.

House Bill No 689 Entitled An Act making appropriation for the relief of Mrs. E. E. Small widow of Harry R. Small late a private in Company "E" of the sixteenth Regiment of the National Guard of Penna.

House Bill No. 427 Entitled A Supplement to an act entitled "An Act authorizing the erection of a poor house by the townships of North Abington, South

Abington and Newton in the county of Luzerne" approved the fourth day of April Anno Domini one thousand eight hundred and sixty eight changing the name of the district from Northern Luzerne to Lake View district in Lackawanna county fixing the compensation and regulating the election of poor directors therein.

Senate Bill No. 158, Entitled A further supplement To An Act entitled An Act to establish an insurance department approved the fourth day of April one thousand eight hundred and seventy three and to a supplement to that act entitled a supplement to an act entitled an act to establish an insurance department approved the fourth day of April one thousand eight hundred and seventy three providing for the incorporation and regulation of insurance companies and relating to insurance agents and brokers and to foreign insurance companies approved the first day of May one thousand eight hundred and seventy six amending the twenty seventh section thereof and relating to the alteration and change of the par value of the shares of capital stock therein and also to an act entitled a supplement to an act to establish an insurance department approved the fourth day of April one thousand eight hundred and seventy three providing for the further regulation of foreign insurance companies and relating to agents and others doing business with unauthorized insurance companies and defining penalties therefor approved the Twenty sixth day of April one thousand eight hundred and eighty seven providing that any person or persons company or corporation by themselves or their agents may pay or forward premiums and applications for insurance and effect insurance to and with certain insurance companies not authorized to do business in this State.

House Bill No. 331 Entitled An Act authorizing the Commissioners of Fairmount Park to lay out and build

a drive whereon horses may be speeded at a faster rate than seven miles per hour or permit such persons as may hereafter volunteer to build lay out and use the same with free access to the public.

House Bill No. 469 Entitled An Act creating the office of recorder and defining the duties and powers of the same in cities other than those of the first and second class in the Commonwealth of Pennsylvania.

Senate Bill No 241 Entitled An Act To amend the second section of a further supplement to an act entitled An Act to authorize the erection of a poorhouse by the borough of Dunmore borough of Scranton and township of Providence in the County of Luzerne Approved April ninth one thousand eight hundred and sixty two giving the power of appointment of said directors to the judges of the Court of Common Pleas of Lackawanna County.

House Bill No. 631 Entitled An Act making appropriation for the erection and furnishing of a hospital in the City of New Castle Lawrence County Pennsylvania for the care and treatment of sick and injured persons and to repeal an act entitled "An Act making appropriation for the purpose of assisting in the erection and furnishing of a hospital in the City of New Castle."

House Bill No. 626 Entitled An Act making an appropriation for the erection and furnishing of a hospital for the care and treatment of sick and injured persons in the County of Beaver.

House Bill No. 750 Entitled An Act to make an appropriation to the Pittston Hospital Association.

House Bill No. 682, Entitled An Act to provide for the erection of independent poor districts and the regulation of the same.

House Bill No. 694 Entitled An Act making an appropriation for the payment of a debt incurred by the Medical and surgical department of the Western Pennu-

sylvania Hospital at Pittsburg for the maintenance of charity patients and discharged soldiers.

House Bill No. 424 Entitled An Act To require the assessors of the several counties within this Commonwealth to assess all seated lands in the township or borough in which the Mansion House is situate when the line separating a borough from a township one township from another or one borough from another divides a tract of land.

House Bill No. 135 Entitled An Act Providing for the creation and distribution of a fund for the care maintenance and relief of aged or disabled policeman in cities of the second class in this Commonwealth.

Senate Bill No. 159, Entitled An Act To amend the tenth section of an act entitled "An act to establish an insurance department" approved the fourth day of April Anno Domini one thousand eight hundred and seventy three requiring the insurance companies or associations not incorporated under the laws of this State to pay a portion of the tax on premiums to the City or borough treasurers on insurance effected within the limits of said districts and regulating the collection thereof.

Senate Bill No. 230 Entitled An Act To fix the salaries of the judges of the Courts of this Commonwealth.

House Bill No. 172 Entitled An Act To provide for the incorporation and regulation of certain corporations to be known as Friendly Societies and for the re-incorporation of corporations heretofore organized for beneficial or protective purposes to their members from funds collected therein.

And also certain items in the following House Bills, viz:

House Bill No. 493 Entitled An Act To make an appropriation to the Pennsylvania Working Home for Blind Men for the erection of workshops and necessary improvements.

House Bill No. 850 Entitled An Act making an appropriation to the State Hospital for Injured Persons of the Anthracite Coal Regions for the Salaries of Officers support and maintenance and for repairs and improvements to the building.

House Bill No. 189 Entitled An Act making an appropriation for the construction and outfit of new buildings for the House of Refuge situate in the Eastern District of the State.

House Bill No. 346 Entitled An Act To appropriate certain moneys to the Hospital Department of the Hahnemann Medical College and Hospital of Philadelphia.

House Bill No. 533 Entitled An Act making an appropriation for the Support of the Hospital of Jefferson Medical College of Philadelphia.

House Bill No. 628 Entitled An Act To make an appropriation to the Veterinary Hospital of the University of Pennsylvania for the establishment of a veterinary hospital.

House Bill No. 630 Entitled An Act making an appropriation to the Philadelphia Polyclinic and College for Graduates in Medicine.

House Bill No. 160 Entitled An Act To provide for the ordinary expenses of the Executive Judicial and Legislative Departments of the Commonwealth interest on the public debt and for the support of the public schools for the years Anno Domini one thousand eight hundred and eighty nine and one thousand eight hundred and ninety.





thirteenth.

Given under my hand and the Great Seal of the State at the city of Harrisburg this fifth day of June in the year of our Lord one thousand eight hundred and eighty nine and of the Commonwealth the one hundred and

JAMES A. BEAVER.

By the Governor:

J. H. Longenecker,

Deputy Secretary of the Commonwealth.

Proclamation Declaring the Drift in the Conemaugh River at Johnstown a Nuisance, and Directing its Abatement.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania.  
Executive Department.

#### A PROCLAMATION.

Whereas The State Board of Health, through its Secretary and Executive officer, has this day made to me a report in writing, bearing date the 7th day of June, 1889, in which, after reciting the action taken by said Board in reference to the recent floods which have devastated the Conemaugh Valley, and the work which has been done by the said Board in providing, as far as possible for purifying the streams and maintaining the health of the people, the condition now existing along the Conemaugh River at Johnstown and in its vicinity is fully set forth:

And whereas, The said Board, through its Executive officer, as aforesaid, has made call upon the Chief

Executive of the Commonwealth to take action in reference thereto, as follows:

"I, therefore, after a careful personal inspection of the entire situation, by virtue of the authority conferred upon the State Board of Health by the act of June 3, 1885 and delegated to me as its executive officer in Regulation I declare the condition of things existing at Johnstown and neighboring boroughs, and especially of the drift heap above described, and of the waters of the Conemaugh and Kiskiminetas rivers, to be a nuisance dangerous to the public health, and, inasmuch as the extent of this nuisance is so great that the local authorities cannot abate it, I call upon Your Excellency, as chief Executive of the Commonwealth, to at once employ such force as may be necessary to remove and abate the same."

Now, Therefore, I, James A. Beaver, Governor of the said Commonwealth, in deference to the said request of the State Board of Health, and in pursuance of its declaration, do hereby declare the said drift in the Conemaugh river at Johnstown and at other points in and about said locality, a public nuisance, and in accordance with the power granted to said Board, and acting under the authority of the law which confers said power, I do hereby direct that the said nuisance be immediately abated, and to this end I further direct that men and means necessary for said purpose be immediately employed and continued at work until the said nuisance has been entirely abated, and the danger to public health and safety removed, and in doing this, and in order to provide the funds necessary therefor, I do hereby pledge the faith of the Commonwealth of Pennsylvania.



thirteenth.

Given under my Hand and the Great Seal of the State at the City of Harrisburg this twelfth day of June in the year of our Lord one thousand eight hundred and eighty nine and of the Commonwealth the one hundred and

JAMES A. BEAVER.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

Proclamation Declaring the Rejection of a Proposed Prohibitory and a Proposed Suffrage Amendment to the Constitution.

Pennsylvania, ss:

James A. Beaver.



monwealth.

IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. JAMES A. BEAVER, Governor of the said Com-

#### A PROCLAMATION.



Whereas, In and by the third section of an act of the General Assembly of the Commonwealth of Pennsylvania entitled "An act prescribing the time and manner of submitting to the people for their approval and ratification or rejection proposed amendments to the Constitution," approved the eighth day of March Anno Domini, one thousand eight hundred and eighty-nine, it is provided: "That it shall be the duty of the Governor of the Commonwealth, in connection with the Secretary of the Commonwealth, the Auditor Gen-

eral, the State Treasurer, the Lieutenant Governor, and the Secretary of Internal Affairs, who shall be constituted a board for that purpose, on the second Tuesday of August, Anno Domini one thousand eight hundred and eighty-nine, to open, canvas, and compute the returns of the said election, which have been received from the various counties and districts aforesaid, and the votes given for and against each of said amendments, shall be carefully and separately summed up, ascertained and certified to by them, and the result so certified shall be recorded and filed in the office of the Secretary of the Commonwealth. The Governor shall forthwith, thereafter, issue his proclamation, declaring whether the said amendments, or either of them, have been approved and ratified or rejected by a majority of the votes cast at said election in the State, as the case may be."

And Whereas, The above and foregoing provisions and requirements have been fully complied with and it appears from the result, as ascertained and certified, in accordance with the said act, that two hundred and ninety-six thousand six hundred and seventeen votes were given for the Prohibitory amendment, and four hundred and eighty-four thousand, six hundred and fifty-four votes were given against the Prohibitory amendment and it further appears that one hundred and eighty-three thousand, three hundred and seventy-one votes were given for the suffrage amendment, and four hundred and twenty thousand, three hundred and twenty-three votes were given against the suffrage amendment.

Now, Therefore, I, James A. Beaver, Governor as aforesaid, do hereby publish, proclaim and declare the proposed Prohibitory amendment to the Constitution has been rejected by a majority of the votes cast at said election in the State. And also that the proposed Suffrage amendment to the Constitution has been re-

jected by a majority of the votes cast at said election in the State.

Given under my hand and the Great Seal of the State at Harrisburg, this thirteenth day of August, Anno Domini, one thousand eight hundred and eighty-nine, and of the Commonwealth the one hundred and fourteenth.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

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Proclamation Relative to the Death of Major General John Frederick Hartranft, Some Time Governor of the Commonwealth.



IN THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania. By JAMES A.  
BEAVER, Governor of the said Com-  
monwealth.

#### A PROCLAMATION.

The announcement of the death of Major-General John Frederick Hartranft, ex-Governor of Pennsylvania, which took place at his home in Norristown on Thursday, the 17th of October, instant, has already caused profound sorrow throughout this Commonwealth.

For more than a quarter of a century, General Hartranft has filled a large place in the activities of his generation which is already recognized as forming one of the most important epochs of the history of our country.

Born December 16th, 1830, graduated at Union College, naturally inclined to a military life and trained to some extent in volunteer military organizations,

he was ready in the full vigor of educated young manhood to fill with conspicuous ability the prominent place to which he was called from the ordinary pursuits of a retired life by the proclamation of the President of the United States April 15th, 1861. In the eventful years which followed his response to the call of the President for men to enforce the laws, he occupied successively the positions of Colonel of the Fourth Regiment of Pennsylvania Volunteers during what is known as the Three Months' Service and as Colonel of the Fifty-First Regiment of Pennsylvania Volunteers, Brigadier-General of United States Volunteers and Brevet Major-General of the United States Volunteers respectively during the remainder of the War of the Rebellion.

The calm courage, the quiet devotion, the intrepid zeal and the lofty patriotism which characterized his military service and won for him the success which crowned his efforts are known and appreciated by all who have given heed to the history of the stirring times during which this service was rendered.

The same year in which he retired from the military service of the United States he was called by the people of this Commonwealth to serve them in an important civil position, and from the time of his election in 1865 down to the present as Auditor-General, Governor and Major-General of the National Guard, he has almost without interruption rendered efficient and distinguished services to his native State. To recount these services would be to repeat in a large measure the history of the Commonwealth during these years. They are well known and will be long and gratefully remembered.

The funeral will take place at Norristown, Montgomery county, Pennsylvania, on Monday, October 21st instant. Orders providing for an escort and other details have been issued from the office of the Adjutant-General.

In view of the high character of the deceased, of his eminent private worth and of his distinguished services in military and civil life, it is further ordered that the flags upon the public buildings be displayed at half-staff upon the day of the funeral, and that the several Departments of the State government within the Executive control be closed upon that day.



Given under my hand and the Great seal of the State at the city of Harrisburg, this eighteenth day of October, in the year of our Lord one thousand eight hundred and eighty-nine, and of the Commonwealth the one hundred and fourteenth.

JAMES A. BEAVER,  
Governor.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

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Proclamation Relative to the Death of William B. Hart, State Treasurer.



IN THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania.

#### A PROCLAMATION.

The sad necessity devolves upon the Governor of announcing to the people of the Commonwealth the death of Hon. William B. Hart, State Treasurer, which occurred at his residence in the city of Harrisburg this morning. The official position of the deceased, his worth as a citizen, his blameless character as a man, and his past record in the civil and military service of



the Commonwealth and the country, combine to make his loss one which the people of the entire Commonwealth will deplore.

Colonel Hart was born March 15th, 1842. He served with conspicuous zeal and fidelity in the Fifty-First Regiment Pennsylvania Volunteers during the War of the Rebellion, and received the unusual distinction of being promoted from First Sergeant to Captain and Assistant Adjutant-General of Volunteers, in April, 1865. After the close of the War, and during the effort to reorganize the State militia, he was appointed Assistant Adjutant-General with the rank of Lieutenant-Colonel upon the staff of Major-General Hartranft, commanding the second division of the National Guard of Pennsylvania, in which position he served until the election of General Hartranft as Governor in 1872.

He has held many offices of profit and responsibility since that time and in all of them has discharged their duties with singular fidelity, discretion and success. He was elected State Treasurer at the general election in 1887 and had he been permitted to live would have finished his official term in May next. He has in this official position served the people of the Commonwealth with carefulness and faithfulness. Conservative in the management of the Treasury, the interests of the people have been carefully guarded and their finances scrupulously cared for.

The remains will lie in state in the rotunda of the Capitol from 11 o'clock on Tuesday morning, the 12th instant, whence the funeral will take place at 1 o'clock in the afternoon of that day.



Given under my hand and the Great seal of the State, at the city of Harrisburg, this ninth day of November, in the year of our Lord, one thousand eight hundred and eighty-nine, and of the Commonwealth the one hundred and fourteenth.

JAMES A. BEAVER,  
Governor.

By the Governor:

Charles W. Stone,  
Secretary of the Commonwealth.

Proclamation of a Day of Thanksgiving. 1889.



IN THE NAME AND BY THE  
Authority of the Commonwealth,  
of Pennsylvania.  
Executive Department.

#### A PROCLAMATION.

The President of the United States has designated Thursday the twenty-eighth day of November, A. D. 1889, as a day of thanksgiving, and has called upon the people of all the States to unite upon that day in praise to God for his abundant goodness to us as a nation.

Realizing the abundant cause which the people of this Commonwealth have for joining in its proper observance, I, James A. Beaver, Governor of the said Commonwealth, do hereby recommend to all our people the general observance of the day so designated.

Not unmindful of the deep waters of affliction through which many parts of our Commonwealth have

passed, we can rejoice with them in the constant and abundant stream of charity which has flowed from all parts of the world for the alleviation of their suffering and the mitigation, so far as such ministrations can avail, of their sorrow.

Let the day be one of devout worship, of hallowed memories, of present cheer, of social amenities and of large-hearted beneficence; and so shall we honor God and be a help and a blessing to our fellow men.



Given under my hand and the Great Seal of the Commonwealth this twelfth day of November, in the year of our Lord, one thousand eight hundred and eighty nine and of the Commonwealth the one hundred and four-

teenth.

JAMES A. BEAVER,  
Governor.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

Proclamation of the Death of Doctor E. E. Higbee,  
Superintendent of Public Instruction.



IN THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania.

#### A PROCLAMATION.

Again devolves upon the Executive the sad duty of announcing to the people of this Commonwealth the death of an eminent citizen and faithful official.

Dr. E. E. Higbee, Superintendent of Public Instruction, died this morning at his home in the city of Lancaster.

For nearly nine years, and by the appointment of three successive Governors, he served the people of this State with singular fidelity and purity and singleness of purpose, as the honored head of the Educational Department of the State government.

He was born March 27th, 1830, and graduated from the University of Vermont in 1849. He received his professional education at the Theological Seminary at Mercersburg, in this State, and entered the ministry in 1854. He became professor of languages in Heidelberg College, Ohio, in 1859, but three years later removed to the city of Pittsburg and resumed his labors in the ministry. Soon after he returned as one of its professors to the theological seminary from which he graduated, and in 1867 was elected to the presidency of Mercersburg College, which position he filled until his appointment as Superintendent of Public Instruction in 1881, and this latter office he held by re-appointment in 1885 and 1889 until the time of his death.

Dr. Higbee was a man of broad culture, a polished and thorough scholar, familiar alike with the treasures of ancient and modern thought and literature. As an instructor his extraordinary attainments and varied resources brought to him abundant success in every department of effort; and as an educator, in its broadest and best sense, he had attained a rank among the first in the nation. As a public officer he was painstaking and conscientious; as a man he was pure, simple-hearted, genial, gentle and kind.

The teachers of the State and his associates in the great work of education loved him with a filial devotion, and the Commonwealth trusted him as a pure, noble, true and honest man.

The funeral services will be held at the First Reformed Church in Lancaster, on Monday, December 16th, at half past eleven o'clock A. M.



Given under my hand and the great seal of the State at the city of Harrisburg this thirteenth day of December, in the year of our Lord one thousand eight hundred and eighty-nine, and of the Commonwealth the one hundred and fourteenth.

JAMES A. BEAVER,  
Governor.

By the Governor:

Charles W. Stone,  
Secretary of the Commonwealth.

Proclamation of the Cancellation of Eight Hundred and Eighty-one Thousand Nine Hundred and Fifty Dollars of the Principal Debt of the Commonwealth Through the Sinking Fund.

Pennsylvania, ss:



monwealth.

IN THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania, JAMES A.  
BEAVER, Governor of the said Com-

#### A PROCLAMATION.

Whereas, By the third section of an act of the General Assembly of this Commonwealth, entitled "An act to establish a Sinking Fund for the payment of the public debt," approved the twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight, and the supplement thereto, approved the tenth day of April, Anno Domini one thousand eight hundred and sixty-eight, it is made the duty of the Secretary of the Commonwealth, Auditor General and

State Treasurer, Commissioners of the Sinking Fund, created by the said first recited act of the General Assembly, to report and certify to the Governor, annually, the amount received under the said act, the amount of the debt of the Commonwealth redeemed and held by them. Whereupon the Governor shall issue his proclamation stating the fact and the extinguishment and final discharge of so much of the principal of said debt.

And whereas, Charles W. Stone, Thomas McCamant and William Livsey, Commissioners of the Sinking Fund, in obedience to the requirements of the said enactments, report and certify to me that the amount of the debt of the Commonwealth redeemed and held by them for the financial year ending on the thirtieth day of November, Anno Domini one thousand eight hundred and eighty-nine, is eight hundred and eighty-one thousand nine hundred and fifty dollars (\$881,950), made up as follows:

Six per cent. bonds redeemed, act 2d February, 1867,.	\$600
Five per cent. bonds redeemed, act 20th March, 1877..	451,600
Four per cent. bonds redeemed, act 1st April. 1879,..	158,000
Three and one-half per cent. bonds redeemed, act 8th June, 1881, 7th series, .....	103,000
Four per cent. bonds redeemed, act 8th June, 1881, 7th series, .....	140,000
Four per cent. bonds redeemed, act 8th June, 1881, 8th series, .....	10,300
Four per cent. bonds redeemed, act 8th June, 1881, 9th series, .....	10,300
Four per cent. bonds redeemed, act 8th June, 1881, 30 years, .....	8,150
Total amount cancelled or redeemed,.....	<u>\$881,950</u>

Now, therefore, I, James A. Beaver, Governor of the said Commonwealth, in compliance with the provisions of the above recited act of the General Assembly, do issue this, my proclamation, declaring the payment, cancellation, extinguishment and discharge of eight

hundred and eighty-one thousand nine hundred and fifty dollars of the principal of the public debt of this Commonwealth.



Given under my hand and the Great Seal of the State, at Harrisburg, this eighteenth day of December, in the year of our Lord one thousand eight hundred and eighty-nine, and of the Commonwealth the one hundred and fourteenth.

JAMES A. BEAVER.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

Proclamation of the Election of Henry K. Boyer as  
State Treasurer.

Pennsylvania, ss:



monwealth.

IN THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania. JAMES A.  
BEAVER, Governor of the said Com-

#### A PROCLAMATION.

Whereas, An act of the General Assembly of this Commonwealth, entitled "An act to provide for the receiving, opening and publishing of the returns of the election for State Treasurer and Auditor General when elected at the same election," approved the ninth day of May, Anno Domini one thousand eight hundred and seventy nine, provides, That whenever the Legislature





shall not be assembled, and a State Treasurer or Auditor General shall have been elected at the preceding annual election, the Governor, The President Judge of the Twelfth judicial district, the President pro-tempore of the Senate, the Speaker of the House of Representatives, Four members of the Senate and six members of the House of Representatives shall meet in the Senate Chamber at Harrisburg, at twelve o'clock, noon, on the Third Tuesday of January succeeding each election of a State Treasurer or Auditor General, and they or a majority of them, being so convened, shall proceed to open, compute and publish the returns of the Election for State Treasurer and Auditor General, and shall file in the Office of the Secretary of the Commonwealth a certificate, signed by each of them, setting forth the aggregate number of votes received by each person voted for at such election; The Governor shall within ten days thereafter declare by proclamation the name of the person elected to each of said offices.

And whereas, the persons composing the Commission to open, compute and publish the returns of the late General election for State Treasurer have filed in the office of the Secretary of the Commonwealth the certificate provided for in the above recited act of the General Assembly, showing that Henry K. Boyer received the greatest number of votes of the persons voted for at said election to fill the office of State Treasurer.

Now, Therefore, I, James A. Beaver, Governor as aforesaid in conformity with the provisions of the aforesaid Act of the General Assembly, do issue this my Proclamation hereby declaring that Henry K. Boyer was elected to the office of State Treasurer, at the General Election held on the fifth day of November, Anno Domini one thousand eight hundred and eighty nine, he having received the greatest number of votes of the persons voted for to fill the said office of State Treasurer at said election.

Given under my hand and the Great Seal of the State at Harrisburg, this twenty-third day of January, in the year of our Lord one thousand eight hundred and ninety, and of the Commonwealth the one hundred and fourteenth.

JAMES A. BEAVER,  
Governor.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

Proclamation of the Election of John E. Reyburn as a Representative of Pennsylvania in the United States Congress.

Pennsylvania, ss:

James A. Beaver.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. JAMES A. BEAVER, Governor of the said Commonwealth.

#### A PROCLAMATION.



Whereas, in and by the forty-second section of an Act of the General Assembly of this Commonwealth, entitled "An Act relating to the elections of this Commonwealth," approved the second day of July, in the year of our Lord one thousand eight hundred and thirty nine, it is provided that when the returns of any special election for a member of the House of Representatives of the United States shall be received by the Secretary of the Commonwealth, the Governor shall declare by Proclamation the name of the person elected.

And Whereas, the returns of a special election held

in the Fourth Congressional District of this Commonwealth, composed of the Fifteenth, Twenty-first, Twenty-fourth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirty second and Thirty fourth Wards of the City of Philadelphia, on Tuesday the eighteenth day of February, A. D. 1890, under the authority of a writ issued in conformity with the provisions of the Constitution of the United States and the above recited act of the General Assembly of this Commonwealth, have been received by the Secretary of the Commonwealth.

And Whereas, it appears from said returns that John E. Reyburn was duly elected to serve as a Representative of the People of this Commonwealth in the House of Representatives of the United States, to fill the vacancy in the Fifty-first Congress occasioned by the death of William D. Kelley.

Washington, D. C., January 10, 1890.

To Gov. Jas. A. Beaver, Harrisburg:

The Speaker advises that writ be issued at once for election of Judge Kelley's successor.

H. C. McCORMICK,  
CHAS. O'NEILL,  
THOS. M. BAYNE,

Pennsylvania, ss:  
James A. Beaver.



I IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. JAMES A. BEAVER, Governor of the said Commonwealth.

To Charles H. Krumbhaar, Esq., High Sheriff of the county of Philadelphia:

Whereas in consequence of the death of Honorable William D. Kelley who was a member elect of the Fifty-first Congress from the Fourth Congressional District of this Commonwealth composed of the Fifteenth, Twenty-first, Twenty-fourth, Twenty-seventh, Twenty-eighth and Twenty-ninth wards of the city of Philadelphia a vacancy exists in the representation of this State in the House of Representatives of the Congress of the United States.



Now Therefore, I, James A. Beaver, Governor as aforesaid in pursuance of the Provisions of the Constitution of the United States and of an Act of the General Assembly of this Commonwealth, entitled "An Act relating to the election of this Commonwealth," approved the second day of July, Anno Domini one thousand eight

Now Therefore, I, James A. Beaver, Governor as aforesaid, Do issue this my Proclamation hereby publishing and declaring that the said John E. Reyburn has been duly elected at a special election held in the Fourth Congressional District above mentioned, a Representative of the people of this Commonwealth in the House of Representatives in the Fifty-first Congress of the United States, to supply the vacancy caused by the death of the said William D. Kelley.

Given under my Hand and the Great Seal of the State at Harrisburg this twenty-second day of February, in the Year of our Lord one thousand eight hundred and ninety, and of the Commonwealth the one hundred and fourteenth.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

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hundred and thirty-nine, have issued this writ hereby commanding you the said Charles H. Krumbhaar, High Sheriff as aforesaid to hold an election in the Fifteenth, Twenty-first, Twenty-fourth, Twenty-seventh, Twenty-eighth and Twenty-ninth wards of the city of Philadelphia on the day of the next Municipal election, namely the Third Tuesday of February next, being the eighteenth day of February, in the year of our Lord one thousand eight hundred and ninety, for the election of a Representative of the people of this Commonwealth in the House of Representatives of the Congress of the United States to fill the vacancy as aforesaid; And you are hereby required and enjoined to give lawful notice, and cause to be held and conducted the said election and make return thereof, in manner and form as by law is directed and required.

Given under my Hand and the Great Seal of the State at Harrisburg, this twentieth day of January, in the year of our Lord one thousand eight hundred and ninety, and of the Commonwealth the one hundred and fourteenth.

By the Governor:

CHARLES W. STONE,  
Secretary of the Commonwealth.

## Arbor Day Proclamation. 1890.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. JAMES A. BEAVER, Governor of the said Commonwealth.

Whereas, by a concurrent resolution of the Legislature of Pennsylvania, approved the 30th day of March, 1887, the Governor is requested to appoint, annually, a day to be designated as Arbor Day in Pennsylvania, and to recommend by proclamation to the people, on the days named, the planting of trees and shrubbery in the public school grounds and along our public highways throughout the State, and

Whereas, the observance of such a day has been productive of much good and of an increased interest in the subject heretofore, and

Whereas, the experience of the people of the Commonwealth has shown that the diversity in our climate makes it impracticable to observe the same day throughout the different portions of the State, and it is thought advisable for this reason to name alternative days to be observed by the people of various localities;

Now, therefore, I, James A. Beaver, Governor of the said Commonwealth, in pursuance of and in obedience to the request of the Legislature aforementioned do hereby designate

Friday, the 11th day of April, 1890, and

Friday, the 2nd day of May, 1890,

to be observed as Arbor Days in Pennsylvania.

In those portions of the Commonwealth where the climatic conditions are favorable, the day first above named should be observed for tree-planting and conducting such other exercises as have been usual, or may be desirable in our schools and by the public gen-

erally. In the higher altitudes and more northerly latitudes of the Commonwealth, the day last named can be so observed.

The Executive cordially commends to all the people of the Commonwealth the general observance of the one or the other of these days for the purposes named, and would further suggest that, as a means of giving practical direction to the thought and effort of the people, village improvement societies might be organized looking to the beautifying, not only of the school grounds, but the general planting of trees and otherwise making attractive the streets and public places of all our towns and villages. Such organizations have been productive of much good in many parts of the country and could not fail to be beneficial if carefully organized and judiciously conducted.

Arbor Day might also be advantageously used for the organization of forestry associations, looking to the dissemination of useful information upon the subject of the preservation of our present forests and of re-foresting the waste lands of the Commonwealth. The subject is one of great importance, from many points of view, and cannot fail to commend itself to the thoughtful citizen who is mindful of the needs of the present and the demands of the future.

Let the people every where throughout the Commonwealth unite in the observance of Arbor Day of the present year, and make it such a day of brightness and usefulness that the designation of such days in the future will be anticipated with expectations of the highest pleasure and profit.



In testimony whereof, I have hereunto set my hand and caused the Great Seal of the State to be affixed, this third day of April in the year of our Lord one thousand eight hundred and ninety, and of the Commonwealth the one hundred and fourteenth.

JAMES A. BEAVER.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

Proclamation of the Election of Richard Vaux as a Representative of Pennsylvania in the United States Congress.

Pennsylvania, ss:

James A. Beaver.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. JAMES A. BEAVER, Governor of the said Commonwealth.

#### A PROCLAMATION.



Whereas, in and by the forty second section of an act of the General Assembly of this Commonwealth, entitled "An act relating to the elections of this Commonwealth," approved the second day of July, in the year of our Lord one thousand eight hundred and thirty nine, it is provided that when the returns of any special election for a member of the House of Representatives of the United States shall be received by the Secretary of the Commonwealth, the Governor shall declare by Proclamation the name of the person elected.

And Whereas, the returns of a special election held



in the third Congressional District of this Commonwealth composed of the Third, Fourth, Fifth, Sixth, Eleventh, Twelfth, Sixteenth and Seventeenth wards of the City of Philadelphia on Tuesday, the 20th day of May, 1890, under the authority of a writ issued in conformity with the provisions of the Constitution of the United States and the above recited act of the General Assembly of this Commonwealth have been received by the Secretary of the Commonwealth.

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DOCUMENTS RELATING TO THE PROCLAMATION.

Philadelphia, Pennsylvania:

William McMullen being duly sworn, doth depose and say, that he resides at 631 South Ninth street, in the Fourth ward of the city of Philadelphia, in the Third Congressional district of Pennsylvania; that Hon. Samuel J. Randall, member of Congress from the Third Congressional district, died at his residence, 120 C St., S. E., Washington, D. C., on the       day of April, 1890, and that there is consequently a vacancy in the position of Representative in Congress from the Third Congressional district.

WILLIAM McMULLEN.

Sworn and subscribed before me this 29th day of April, A. D. 1890.

WILLIAM M. STEWART, Jr.,  
Notary Public.

726 Drexel Building, Philadelphia,  
April 29, 1890.

Hon. James A. Beaver:

Dear Sir: Please find enclosed affidavit stating the fact, &c., of the death of the late Hon. Samuel J. Randall.

Yours, &c.,

BOIES PENROSE.

Pennsylvania, ss:  
James A. Beaver.



**I**N THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. JAMES A. BEAVER, Governor of the said Commonwealth.

To Charles H. Krumbhaar, Esquire, High Sheriff of the County of Philadelphia:



Whereas, in Consequence of the death of Honorable Samuel J. Randall, who was a member of the Fifty-first Congress from the Third Congressional district of this Commonwealth, composed of the Third, Fourth, Fifth, Sixth, Eleventh, Twelfth, Sixteenth and Seventeenth wards of the City of Philadelphia, a vacancy exists in the representation of this State in the House of Representatives of the Congress of the United States.

Now Therefore, I, James A. Beaver, Governor as aforesaid, in pursuance of the provisions of the Constitution of the United States and of an Act of the General Assembly of this Commonwealth, entitled "An Act relating to the elections of this Commonwealth," approved the second day of July, Anno Domini one thousand

And Whereas, it appears from said returns that Richard Vaux was duly elected to serve as a Representative of the People of this Commonwealth in the House of Representatives of the United States, to fill the vacancy in the Fifty-first Congress occasioned by the death of Samuel J. Randall.

Now Therefore, I, James A. Beaver, Governor as aforesaid, Do issue this my Proclamation hereby publishing and declaring that the said Richard Vaux has been duly elected at a special election held in the Third Congressional District above mentioned, a Representative of the people of this Commonwealth in the House of Representatives in the Fifty-first Congress of the United States, to supply the vacancy caused by the death of the said Samuel J. Randall.

Given under my Hand and the Great Seal of the State at Harrisburg this 24th day of May in the year of our Lord one thousand eight hundred and ninety and of the Commonwealth the one hundred and fourteenth.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

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eight hundred and thirty-nine, have issued this writ hereby commanding you, the said Charles H. Krumbhaar, High Sheriff as aforesaid, to hold an election in the Third, Fourth, Fifth, Sixth, Eleventh, Twelfth, Sixteenth and Seventeenth wards of the city of Philadelphia, on Tuesday the twentieth day of May in the year of our Lord one thousand eight hundred and ninety, for the election of a representative of the people of this Commonwealth in the House of Representatives of the Congress of the United States, to fill the vacancy as aforesaid; and you are hereby required and enjoined to give lawful notice, and cause to be held and conducted the said election, and make return thereof, in manner and form as by law is directed and required.

Given under my Hand and the Great Seal of the State at Harrisburg, Pa., this second day of May, in the year of our Lord one thousand eight hundred and ninety, and of the Commonwealth the one hundred and fourteenth.

By the Governor:

CHARLES W. STONE,  
Secretary of the Commonwealth.

Order for the Closing of the Departments on Labor  
Day. 1890.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, August 29th, 1890.

Whereas, the first Monday of September in each year has been set apart by the provisions of the Act of Assembly, approved the 25th day of April, A. D. 1889, as Labor Holiday, and,

Whereas, the said holiday occurs the present year on Monday the first day of September,

Now, Therefore, in order to give effect to the provisions of said Act, and to enable all who are employed in the various departments under Executive control in this Commonwealth opportunity to enjoy relief from ordinary duty, it is ordered that the several departments of the State Government under the control of the Executive be closed for business on that day.

The general observance of the day is also recommended to the people of the Commonwealth in order that the spirit of the law may be carried into effect, and the day and the cause which it represents dignified.

JAMES A. BEAVER.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

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Proclamation of the Application of the Proceeds of  
Public Lands Apportioned for the Purpose by Con-  
gress, to the Pennsylvania State College.

Commonwealth of Pennsylvania,  
Office of the Governor.

In the name and by the authority of the Common-  
wealth of Pennsylvania:

Whereas, by the provision of an act of Congress, en-

titled "An Act to apply and apportion the proceeds of the public lands to the more complete endowment and support of colleges for the benefit of agriculture and the mechanic arts, established under the provisions of the Act of Congress of July 2nd 1862, approved August 30th, 1890," it is made the duty of the legislatures of the several states and territories to assent to the provisions of said act under certain conditions named therein, and

Whereas, the General Assembly of the Commonwealth of Pennsylvania has not been in session since the 30th day of August 1890, and will not assemble in regular session until the 1st Tuesday of January 1891,

Now, therefore, I, James A. Beaver, Governor of said Commonwealth, in pursuance of the provisions of said act of Congress do hereby assent on behalf of the Commonwealth of Pennsylvania to the provisions of said act, and do hereby pledge the faith of the Commonwealth to carry the same into full and complete effect. And I do hereby further certify,

First, that the Pennsylvania State College, formerly the Agricultural College of Pennsylvania, situate at State College, in the county of Centre, is organized under the provisions of the Act of Congress of July 2nd, 1862, relating to colleges of agriculture and the mechanic arts, and that under the laws of this Commonwealth the said College is the sole recipient of the income of the endowment provided by the land grant of the said act of Congress of July 2nd 1862.

Second, that there is no distinction of race, color or sex in the admission of students to the said college, either under the State law or the regulations and practice of the institution.

Third, that the present State Treasurer of Pennsylvania is Hon. Henry K. Boyer, Harrisburg, Pennsylvania, and that the treasurer of the Pennsylvania

State College is John Hamilton, State College, Pennsylvania.



In testimony whereof I have hereunto set my hand and the Great Seal of the Commonwealth, this twenty-third day of September, in the year of our Lord, one thousand eight hundred and ninety, and of the Commonwealth the one hundred and fifteenth.

JAMES A. BEAVER.

By the Governor:

J. H. Longenecker,

Deputy Secretary of the Commonwealth.

Proclamation of the Election of Charles W. Stone as a Representative of Pennsylvania in the United States Congress.

Pennsylvania, ss:

James A. Beaver.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. JAMES A. BEAVER, Governor of the said Commonwealth.

#### A PROCLAMATION.



Whereas, in and by the Forty-Second Section of an act of the General Assembly of this Commonwealth, entitled "An act relating to the elections of this Commonwealth," approved the Second day of July, in the year of our Lord one thousand eight hundred and thirty nine, it is provided that when the returns of any special election for a member of the House of Represent-

atives of the United States shall be received by the Secretary of the Commonwealth, the Governor shall declare by Proclamation the name of the person elected.

And Whereas, the returns of a special election held in the Twenty Seventh Congressional district of this Commonwealth, composed of the Counties of Venango, Warren, McKean and Cameron on Tuesday the fourth day of November, A. D. 1890, under the authority of a writ issued in conformity with the provisions of the Constitution of the United States and the above recited act of the General Assembly of this Commonwealth, have been received by the Secretary of the Commonwealth.

And Whereas, it appears from said returns that Charles W. Stone was duly elected as a Representative of the People of this Commonwealth in the House of Representatives of the United States, to fill the vacancy in the Fifty-first Congress occasioned by the death of Lewis F. Watson.

Now, Therefore, I, James A. Beaver, Governor as aforesaid, do issue this my Proclamation hereby publishing and declaring that the said Charles W. Stone has been duly elected at a special election held in the Twenty Seventh Congressional District above mentioned, a Representative of the People of this Commonwealth in the House of Representatives in the Fifty first Congress of the United States, to supply the vacancy caused by the death of the said Lewis F. Watson.

Given under my Hand and the Great Seal of the State at Harrisburg this thirteenth day of November, in the year of our Lord one thousand eight hundred and ninety, and of the Commonwealth the one hundred and fifteenth.

By the Governor:

J. H. Longenecker,

Deputy Secretary of the Commonwealth.



## Proclamation of a Day of Thanksgiving. 1890.



IN THE NAME AND BY THE  
 Authority of the Commonwealth  
 of Pennsylvania. By JAMES A.  
 BEAVER, Governor of the said Com-  
 monwealth.

In humble and devout acknowledgment of the good hand of God upon our people, in grateful recognition of the custom established by our fathers and in pursuance of the proclamation of the President of the United States, I do hereby designate Thursday, the twenty-seventh day of November, A. D. 1890, as "Thanksgiving Day."

In order that the day may be properly observed and that all people throughout the Commonwealth may join in the religious services and social enjoyments for which it is designed, I earnestly recommend that all ordinary business be suspended; that the people assemble in their respective places of worship to render thanks to the bounteous giver of all good for the blessings which have crowned the year; that the paternal roof and family hearthstone be made the gathering-place as far as possible, of all who can join in the social features of the day and that substantial comfort and wholesome cheer be distributed in generous abundance by those who enjoy plenty to those who suffer lack.



fifteenth.

Given under my hand and the Great Seal of the State at the city of Harrisburg this eleventh day of November, in the year of our Lord, one thousand eight hundred and ninety and of the Commonwealth the one hundred and

JAMES A. BEAVER.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.



Proclamation of the Election of Representatives of  
Pennsylvania in the United States Congress.  
1890.

Pennsylvania, ss:



I N THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania. JAMES A.  
BEAVER, Governor of the said Com-

monwealth.

#### A PROCLAMATION.

Whereas, In and by an act of the General Assembly entitled "An act relating to the elections of this Commonwealth" approved the Second day of July Anno Domini one thousand eight hundred and thirty nine, it is made the duty of the Governor on receipt of the returns of the election of members of the House of Representatives of the United States by the Secretary of the Commonwealth, to declare by Proclamation the names of the persons returned as elected in respective districts: And Whereas, the returns of the general election held on Tuesday the 4th day of November A. D. 1890, for Representatives of the people of this State in the House of Representatives of the United States for the term of two years from the fourth day of March next, have been received at the office of the Secretary of the Commonwealth, agreeably to the provisions of the above recited act of the General Assembly whereby it appears that

In the first District composed of the First, Second, 7th, 26th, and 30th wards of the City of Philadelphia Henry A. Bingham has been duly elected.

In the 2nd District composed of the 8th, 9th, 10th, 13th, 14th, and 20th wards of the City of Philadelphia Charles O'Neill has been duly elected.

In the 3rd District composed of the 3rd, 4th, 5th, 6th, 11th, 12th, 16th, and 17th wards of the city of Philadelphia William McAleer has been duly elected.

In the 4th District composed of the 15th, 21st, 24th, 27th, 28th, 29th, 32nd and 34th wards of Philadelphia John F. Reyburn has been duly elected.

In the 5th District composed of the 18th, 19th, 22nd, 23rd, 25th 31st, and 33rd wards of the City of Philadelphia Alfred C. Harmer has been duly elected.

In the 6th District composed of the counties of Chester and Delaware John B. Robinson has been duly elected.

In the 7th District composed of the counties of Montgomery and Bucks Edwin Hallowell has been duly elected.

In the 8th District composed of the counties of Northampton, Monroe, Pike and Carbon William Mutchler has been duly elected.

In the 9th district composed of the counties of Berks and Lehigh David B. Brunner has been duly elected.

In the 10th District composed of the county of Lancaster Marriott Brosius has been duly elected.

In the 11th District composed of the county of Lackawanna Lemuel Amerman has been duly elected.

In the 12th District composed of the county of Luzerne, George W. Shonk has been duly elected.

In the 13th District composed of the county of Schuylkill James B. Reilly has been duly elected.

In the 14th District composed of the counties of Lebanon, Dauphin and Perry John W. Rife has been duly elected.

In the 15th District composed of the counties of Bradford, Susquehanna, Wayne and Wyoming Myron B. Wright has been duly elected.

In the 16th District composed of the counties of Tioga, Potter, Lycoming and Clinton Albert C. Hopkins has been duly elected.

In the 17th District composed of the counties of Northumberland, Columbia, Montour and Sullivan Simon P. Wolverton has been duly elected.

In the 18th District composed of the counties of Franklin, Fulton, Huntingdon, Mifflin, Juniata, Snyder and Union Louis E. Atkinson has been duly elected.

In the 19th District composed of the counties of Cumberland, Adams and York Frank E. Beltzhoover has been duly elected.

In the 20th District composed of the counties of Cambria, Blair, Somerset and Bedford Edward Scull has been duly elected.

In the 21st District composed of the counties of Westmoreland, Armstrong Indiana and Jefferson George F. Huff has been duly elected.

In the 22nd District composed of the city of Pittsburgh and all Townships and boroughs lying between the Monongahela and Allegheny Rivers except the borough of McKeesport and the boroughs and townships lying between the Youghiogheny and Monongahela rivers in the county of Allegheny John Dalzell has been duly elected.

In the 23rd District composed of the city of Allegheny and all the Townships and boroughs lying North of the Allegheny and Ohio rivers in the county of Allegheny William A. Stone has been duly elected.

In the 24th District composed of the counties of Fayette, Greene and Washington and all boroughs and Townships lying South of Monongahela and Ohio rivers and the boroughs and townships lying between the Youghiogheny and Monongahela rivers and the borough of McKeesport in the county of Allegheny Andrew Stewart has been duly elected.

In the 25th District composed of the counties Beaver, Lawrence, Mercer and Butler E. P. Gillespie has been duly elected.

In the 26th District composed of the counties of Crawford and Erie Matthew Griswold has been duly elected.

In the 27th District composed of the counties of

Venango, Warren, McKean and Cameron Charles W. Stone has been duly elected.

In the 28th District composed of the counties of Clarion, Forest, Elk, Clearfield and Centre G. F. Kribbs has been duly elected.

Now Therefore, I, James A. Beaver, governor as aforesaid do issue this my Proclamation, hereby publishing and declaring that Henry H. Bingham, Charles O'Neill, William McAleer, John E. Reyburn, Alfred C. Harmer, John B. Robinson, Edwin Hallowell, William Mutchler, David B. Brunner, Marriott Brosius, Lemuel Amerman, George W. Shonk, James B. Reilly, John W. Rife, Myron B. Wright, Albert C. Hopkins, Simon P. Wolverton, Louis E. Atkinson, Frank E. Beltzhoover, Edward Scull, George F. Huff, John Daltzell, William A. Stone, Andrew Stewart, E. P. Gillespie, Matthew Griswold, Charles W. Stone and G. F. Kribbs have been returned as duly elected in the several districts before mentioned as Representatives of the people of this State in the House of Representatives of the United States for the term of two years from the fourth day of March next.



teenth.

Given under my Hand and the Great Seal of the State at Harrisburg this Seventeenth day of November in the year of our Lord one thousand eight hundred and ninety and of the Commonwealth the one hundred and fif-

JAMES A. BEAVER.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.

Proclamation of the Cancellation of One Million Five Hundred and Seven Thousand and Fifty-One Dollars of the Principal Debt of the Commonwealth Through the Sinking Fund.

Pennsylvania, ss:

James A. Beaver.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. JAMES A. BEAVER, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, By the third Section of the General Assembly of this Commonwealth, entitled "An act to establish a Sinking Fund for the payment of the public debt" approved the twenty second day of April, Anno Domini one thousand eight hundred and fifty eight, and the supplement thereto approved the tenth day of April, Anno Domini one thousand eight hundred and sixty eight, it is made the duty of the Secretary of the Commonwealth, Auditor General and State Treasurer, Commissioners of the Sinking Fund, created by the said first recited act of the General Assembly, to report and certify to the Governor annually, the amount received under the said act, the amount of interest paid and the amount of the debt of the Commonwealth redeemed and held by them. Whereupon the Governor shall issue his proclamation stating the fact and the extinguishment and final discharge of so much of the principal of said debt.

And Whereas, J. H. Longenecker, Thomas McCamant and Henry K. Boyer, Commissioners of the Sinking Fund, in obedience to the requirements of the said Enactments, report and certify to me that the

amount of the debt of the Commonwealth redeemed and held by them for the financial year ending on the thirtieth day of November, Anno Domini one thousand eight hundred and ninety, is one million five hundred and seven thousand and fifty one dollars (\$1,507,051.00), made up as follows:

Relief note redeemed, Act May 4th 1841,.....	\$1 00
Five per cent. bonds purchased Act March 20, 1877,	675,800 00
Four per cent. bonds purchased, Act June 8th, 1881-1912, .....	376,750 00
Three and one-half per cent. bonds purchased, Act June 8th, 1881-1912, .....	91,400 00
Four per cent. bonds purchased, Act April 1, 1879,.	59,100 00
Four per cent. bonds redeemed, Act June 8th, 1881, 8th series, .....	239,700 00
Four per cent. bonds purchased, Act June 8th, 1881, 9th series, .....	38,150 00
Four per cent. bonds purchased, Act June 8th, 1881, 10th series, .....	26,150 00
<hr/>	
Total amount cancelled or redeemed, .....	\$1,507,051 00
<hr/>	

Now Therefore, I, James A. Beaver, Governor of the said Commonwealth, in compliance with the provisions of the above recited act of the General Assembly, do issue this my proclamation, declaring the payment, cancellation, extinguishment, and discharge of one million five hundred and seven thousand and fifty one dollars of the principal of the public debt of this Commonwealth.

Given under my Hand and the Great Seal of the State at the City of Harrisburg this eleventh day of December in the year of our Lord one thousand eight hundred and ninety, and of the Commonwealth the one hundred and fifteenth.

JAMES A. BEAVER.

By the Governor:

J. H. Longenecker,

Secretary of the Commonwealth.



Certificate Declaring Allegheny City to be a City of  
the Second Class.



IN THE NAME AND BY THE  
Authority of the Commonwealth  
of Pennsylvania.

Executive Department.

Whereas, It is provided by an act of the General Assembly of the Commonwealth, entitled "An act dividing the cities of this State into three classes with respect to their population and designating the mode of ascertaining and changing the classification thereof in accordance therewith," approved the eighth day of May, Anno Domini one thousand eight hundred and eighty nine that the classification of cities, respectively, shall be ascertained and fixed by reference to their population according to the last preceding United States Census, or any municipal census taken later, and whenever it shall appear, by any such census, that any city of the second or third class has attained a population entitling it to an advance in classification as therein prescribed, it shall be the duty of the Governor, under the Great Seal of the Commonwealth to certify the fact accordingly.

And whereas, it appears by the official returns, as presented to me, of the eleventh Census of the United States, being the last preceding United States Census, that the city of Allegheny in the county of Allegheny, and State of Pennsylvania, a city of the third class, has a population of one hundred and five thousand two hundred and eighty-seven.

Therefore, under authority of the Constitution and laws of said Commonwealth in such case made and provided, I do issue this Certificate which I have caused to be sealed with the Great Seal of the State hereby certifying and declaring that the said City of Alle-



gheny has attained a population of One hundred and five thousand two hundred and eighty seven according to the last preceding decennial census of the United States.



Given under my Hand and the Great Seal of the State at the City of Harrisburg this nineteenth day of December in the year of our Lord one thousand eight hundred and ninety and of the Commonwealth the one hundred and fifteenth.

JAMES A. BEAVER.

By the Governor:

J. H. Longenecker,

Secretary of the Commonwealth.

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Biennial Message to the Assembly, 1891, With Certain Documents Concerning the Flood at Johnstown.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

THE LATTER PART OF THE YEAR JUST closed has been marked by financial disquiet and uncertainty, seriously affecting the people of the commonwealth in common with those of the entire country. Unfortunate and distressing as this condition of affairs has been, it is nevertheless gratifying to note the fact that our staple industries have not been seriously injured thereby.

Although all classes in the community have been more or less affected by these financial disturbances,

the origin of and the causes which led to them are of such a character as to lead to the belief that they may not be long continued, and that no special measures of relief will be required at your hands. With the exception of this moneyed stringency, which it is hoped will be merely temporary in its duration and effects, the material affairs of the commonwealth are **in good condition.**

Soon after the adjournment of the preceding legislature, to wit, on the 31st of May, 1889, the commonwealth was visited by a calamity which has no parallel in its history. Throughout the mountain region of the central part of the state a rain storm of unprecedented duration and severity prevailed which so increased the volume of water that the ordinary channels of drainage were unable to carry it away. The result was widespread desolation and ruin, extending over some twenty of the sixty-seven counties in the commonwealth. Thousands of lives were lost, and property, municipal, corporate and individual, aggregating many millions of dollars, was destroyed.

The people inhabiting the regions drained by the West Branch of the Susquehanna, the Juniata and the Conemaugh rivers, were the principal sufferers. Many villages, towns and cities on the eastern slope of the Alleghenies were, for the time being, rendered utterly helpless, and their people prevented from pursuing their usual vocations. In addition to the loss of life and property sustained, the public health was greatly endangered, and municipal officers deprived of the power to exercise their authority, or to furnish the means by which the situation could be relieved.

On the western slope of the mountains, Johnstown and its neighboring boroughs were almost obliterated. In some cases the officers of municipalities were lost; whole communities were swept away; streets and other boundaries utterly obliterated, and municipal govern-

ment generally broken up. The people were for a time thoroughly helpless. Food and clothing were furnished by those who were charitably disposed, and a relief committee from the neighboring city of Pittsburgh commenced the work of removing the debris which had collected at the confluence of the Conemaugh and Stony Creek, so as to relieve those who remained of the danger of pestilence which seriously threatened them.

It is impossible to describe the character and extent of this disaster. The world knows what was done for the relief of the people of this devoted community. Charity unstinted, and such as has probably never before been equalled, did all that could be done for the alleviation of the suffering. Although the medium through which much of this charity was conveyed to the suffering people of our state, it is not my purpose to dwell upon it at this time in an official communication to you. It is perhaps proper to say, however, that in order to avoid the personal responsibility of the distribution of a fund considerably exceeding one million of dollars which came into my hands, as well as to prevent uncertainty and the possible duplication of charity, a commission known as the Flood Relief Commission was appointed by me with the expectation that all the funds provided for the relief of the flood sufferers of the state might be distributed through the one channel. The moneys collected by the Philadelphia and Pittsburgh Relief Committees, as well as those which had been entrusted to me, were finally placed in the hands of this commission, whereby a fund aggregating nearly three millions of dollars was distributed to flood sufferers in all parts of the state, more than nine-tenths of this amount having been paid in the immediate vicinity of the Conemaugh valley. A report of the operations of this commission has been made public and its expenditures audited by a com-

mittee of gentlemen certifying to the correctness of its accounts. A small balance remains in the hands of this commission awaiting the development of the necessities of certain needy classes of sufferers, or exigencies of a more general character which may legitimately demand relief from a fund dedicated by the donors to pure charity.

The calamity in the Conemaugh valley was so startling and overwhelming that the Pittsburgh relief committee began its work of alleviating suffering at once, making no distinction between that which was purely charitable and that which was for the general welfare of the community. The living were fed and clothed, the dead were recovered and buried. In order to this, work was commenced upon the mass of debris which covered the entire valley in some places and blocked the streets of Johnstown and the other municipalities to such an extent as to prevent intercourse among them. The State Board of Health was early upon the ground and took immediate and energetic steps towards the preservation of the public health.

On the 8th of June, after issuing a formal proclamation to the people of the world appealing for their charitable help for the distressed within our commonwealth, and arranging for the receipt and careful account of the charity which was sure to follow the appeal, I made a visit to Johnstown and a thorough inspection of all its surroundings. The Pittsburgh relief committee was practically in charge of the distribution of charitable relief, of the burial of the dead and of the abatement of nuisances which seriously threatened and affected the public health. Although the State Board of Health under the provisions of the sixth section of the act of the 3d of June, 1885, had power and authority "in cities, boroughs, districts and places having no local boards of health, or in case the sanitary laws or regulations of any place where boards

of health or health officers existed should be inoperative, to order nuisances, or the cause of any special disease or mortality to be abated or removed, and to enforce quarantine regulations as said board of health shall direct," and the power thus conferred seemed to be absolute and unlimited, yet no appropriation having been made by the legislature in view of such an overwhelming calamity, and no sufficient funds being available for enforcing the authority conferred by the said act, it was practically helpless. The authorities of the Pittsburgh relief committee, however, recognizing the fact that the state was bound to abate these nuisances, which not only threatened the health of the entire community, but absolutely blotted out municipal authority, and in some cases municipal existence, demanded that work should be undertaken at once by the State Board of Health. The justice of this demand was recognized and the only question in the mind of the Executive was as to the manner in which it could be done most speedily and effectively.

It was urged that it would require at least three millions of dollars to clear the valley of these threatening nuisances, and that in order to provide the funds for this purpose the legislature should be immediately assembled in special session. A careful examination of the district convinced me that the amount required to discharge the duty which the state owed to the community was greatly exaggerated, and that the work could be done for about what it would cost to assemble the legislature in special session and secure the necessary legislation therefor. The work was of immediate and of pressing importance. The floods had so interfered with telegraphic and railway communication that it was not then possible to reach some parts of Pennsylvania and the legislature could not have assembled in time to afford the needed relief, even if it had been deemed desirable to provide for it in this manner.

Upon the representation of the State Board of Health that nuisances prejudicial to the health and safety of the people existed in various parts of the state, proclamations were issued requiring them to be abated at the expense of the Commonwealth. In a personal consultation with members of the Pittsburgh relief committee and of citizens of Johnstown, I agreed that the state would take charge of the strictly sanitary work at Johnstown on Wednesday, the 12th of June, 1889, and in order to carry out this agreement authorized the State Board of Health to take charge of the work and to employ such means as were necessary to carry it into effect. The Adjutant General of the state, who was upon the ground, was authorized to co-operate with the State Board of Health as my immediate representative.

As a mode of providing funds for carrying on this work, it was at first proposed that the State Treasurer should deposit with me whatever sum of money might be necessary for that purpose upon my giving him a bond signed by citizens of the commonwealth, in a sum not exceeding one million of dollars, for the return of the money whenever it should be required. Although this was in strict accordance with law, and hundreds of the most reputable and responsible people of the Commonwealth responded to my appeal for bondsmen, the public discussion of the question led to a widespread belief that the law was to be violated and the funds of the treasury used without legal warrant. Believing that it would be unwise to carry out this plan, in view of the popular belief as to its illegality, I abandoned it and secured the money from the People's Bank, of Philadelphia, upon an obligation drawn by the Attorney General, specifying the object for which the money was to be used, and pledging the faith of the commonwealth for its return. This constitutes a personal legal obligation of the maker as



well as a pledge of the credit of the commonwealth, but under ordinary circumstances it would probably not have been regarded as marketable commercial paper. By the timely and generous aid of Mr. William H. Kemble, of Philadelphia, however, I was enabled to carry the plan into execution by the pledging of his individual securities as collateral for the obligation. In this way the sum of three hundred thousand dollars then deemed to be sufficient for the purpose, was secured and at a later date an additional sum of one hundred thousand dollars—making four hundred thousand dollars in all advanced by the bank and secured by the pledge of Mr. Kemble's personal securities.

The sum originally borrowed would have been sufficient, under ordinary circumstances, for the amount of work done; but it became necessary to render assistance, to a moderate extent, in other parts of the state, and the extraordinary and dangerous character of the work to be done increased the wage rate over what was ordinarily paid to such an extent that the entire amount borrowed, with the exception of a small abatement, was expended and the vouchers therefor have been carefully audited by the Auditor General.

This money, under the terms of the pledge or obligations given therefor, was not to bear interest. I respectfully recommend, therefore, that an appropriation be immediately made to reimburse the bank making the advancement, the full amount advanced by it so that the repayment may be made at the earliest practicable date; such appropriation to be surrounded by the usual safeguards as to vouchers to be furnished for the expenditure thereof.

In the conference with the Pittsburg relief committee, demand was made for the return of the money expended by it in work which was considered as legitimately belonging to the state. Having no authority under the provisions of the act of 1885, to repay money



already expended, no such return could be made; but it was promised that the matter should be called to the attention of the legislature and a recommendation made by me for an appropriation to repay so much of the money as had been expended in work which should have been done by the state. The amount then alleged to have been expended by the committee in the general work at Johnstown, was one hundred and twenty thousand dollars. No account of that work has ever been furnished me, nor has there been any detailed statement with accompanying vouchers showing what portion of said amount, if any, was properly chargeable to charity and what to work proper to be done under the direction of the State Board of Health.

The lines of railway and telegraphic communication east from Johnstown were so seriously interfered with that it was difficult to reach that region with supplies for several days. The lines running westward were soon restored, and early succor was brought to the afflicted people of the region from that direction. Governor Foraker of Ohio, responded to the cry for help immediately by sending a large quantity of tents belonging to the state, under charge of the Adjutant General. These tents remained in use for a considerable time and were of great benefit in affording shelter to the homeless people of the community.

Appropriations in money, for the benefit of our flood sufferers, were made by one or more of our sister states, acknowledgment of which has been made in detail in the report of the flood relief commission.

The people of Johnstown and its neighboring boroughs, although utterly cast down and apparently discomfited for a time, gradually recovered their tone and hope took the place of despair. The community has in a surprising degree recovered its wonted activity and prosperity, and will in time become more firmly established and prosperous than ever before. As one

of the immediate results of the obliteration of municipal lines and conflicting interests, the question of consolidation was submitted to the people in accordance with the provisions of law governing that subject, and as a consequence of their vote upon it the city of Johnstown was duly organized and established, and the final result declared by letters-patent under the hand of the Governor and the seal of the state, on the 18th of December, 1889. This municipal organization will, it is believed, enable the people to control their domestic affairs much more efficiently than was the case prior to the time of the flood, and is one of the good results indirectly brought about by that disaster.

#### STATE BOARD OF HEALTH.

The necessity for, and the work done by, the State Board of Health throughout a large portion of the commonwealth for many months succeeding the floods of 1889, demonstrates the necessity for the existence of the board and the wisdom of enlarging its power. The water-ways of the commonwealth are becoming more and more the source of water supply to all our cities and larger towns. The purity of the water therein becomes, therefore, a question of vital importance. The investigations of the board of health prove conclusively that in many classes of epidemic diseases, prevention is easy if the water supply can be controlled and purified. The time has come when the legislature should take decided grounds and prompt action upon this subject. It may become necessary to revolutionize our entire system of sewage for cities, towns and public institutions. Instead of emptying this mass of corruption into our streams, carrying disease and death to those who depend upon them for their water supply, it will be necessary to devise and carry into execution some efficient system of disposing of the sewage of dense communities. I recommend

that the authority of the State Board of Health over such subjects be increased, with such safeguards as may be necessary, and that the appropriation for their general expenses be so increased as to enable them to make careful and thorough investigation and experiment as to the best means of avoiding the dangers herein recited, and at the same time affording an efficient and healthful system of sewage.

I commend also to your careful consideration in this connection the subject of the preservation of the forests surrounding the headwaters of our principal water-ways. Whilst it is true that the disasters following the floods of 1889, might not have been entirely avoided under the most favorable conditions, it is nevertheless true that their annual recurrence in the future may be prevented to some extent by the rehabilitation of our denuded forests. It is very difficult at this time, when the commonwealth has practically parted with all her lands, to revest the title in her; and yet, without her actual ownership of the waste lands of the central mountain belt of the state, it is difficult to see how any efficient plan of reforesting those lands, or of allowing them to reforest themselves can be adopted. Tens of thousands of acres of waste lands, not worth, for any commercial purpose, the taxes which are annually levied upon them, and which, under our present system of tax sales of unseated lands, are used by the unscrupulous to deceive and defraud the unwary, might be made productive of the common weal, if held and controlled by the commonwealth. An Allegheny park, which could be made to include a large portion of the mountain regions of the state, might be so formed as to protect the headwaters of our streams, and by a gradual process of reforesting would retard the disastrous flow of water in the spring when the snows melt or when there is any unusual rainfall. This subject is one of unusual

difficulty, but is of so much and of such practical importance that I feel compelled to call it to your attention and to invoke for it your most careful consideration.

#### REVENUE AND TAXATION.

The question of the manner in which our revenues are to be raised continues to be one of absorbing interest to the people of the commonwealth. A commission appointed under a joint resolution approved the 25th day of May, 1889, has given careful consideration to this subject and prepared a report embracing the views of all its members, showing a wide divergence of opinion as to the principles upon which and the methods by which taxes are to be levied and collected. The majority of the commission agreed upon a bill which provides for the levying of county and municipal taxes upon the several kinds of property therein specified, the principal object of which is to bring corporate and personal property within the taxing power of the municipality, with a view to relieving real estate from alleged excessive burdens. The minority of the commission dissent from the views of the majority as expressed in this bill and state their views at length in three several minority statements contained in the report. The whole subject of taxation is very ably discussed in this report, and is commended to your careful consideration.

It is to be regretted that this commission has not been able to gather data upon which an intelligent conclusion can be based as to the inequality of the burdens of taxation borne by real and personal property respectively. It seems to be admitted on all hands that there is inequality in greater or less degree, but the extent of that inequality is an uncertain quantity, and there seems to be no reliable means of ascertaining what it is with anything like a definite degree of cer-

tainty. Until this difference is definitely ascertained it is impossible to apply a remedy, even if it be conceded that a remedy is needed.

The report of the majority leaves the entire question of the collection of state revenues to be governed by the laws which now exist. This is well, inasmuch as our present revenue laws are better understood and are being more satisfactorily enforced than ever before. The revenues raised under them are constantly increasing and it is believed that the provisions of the act of 1st of June, 1889, will yet more largely increase the revenues which will be collected under it. The final settlement in the Supreme Court of the United States of what has been known as the "loans tax cases," has largely increased the revenues for the present year and insures a definite income from this important source.

In view of the revenue which may be reasonably relied upon from this source in the future it seems to me entirely feasible to divert a portion of the revenues now flowing into the State Treasury, under the provisions of the act of the first of June, 1889, to the county treasury. I recommend, therefore, that of the state tax upon personal property collected under the sixteenth section of said general revenue act, the one-half part thereof be returned to the several counties of the commonwealth in which the same is collected, instead of the one-third part as provided by the said section. I recommend, also, that the laws relating to licenses for the sale at retail of liquors be so amended as to authorize the entire amount raised from the granting of said licenses to be paid into the treasury of the municipality within which the privileges conferred by the same are to be exercised. I am also of the opinion that if careful discrimination and reasonable economy be exercised in the matter of appropriations to so-called charitable institutions, the annual

appropriation for common schools may be increased from two millions of dollars to at least two and one-half millions. These changes will provide an additional fund of at least two million dollars annually in relief of local taxation and will do so at once and with a certainty based upon well settled principles.

In order to replace the amounts thus recommended to be applied in relief of local taxation, I respectfully recommend that the amount of the tax on corporation stock to be paid into the sinking fund under the twenty-eighth section of the general revenue act of June 1, 1889, be reduced from the one-half to the one-fourth part thereof. This amount, it is believed, will be amply sufficient to provide for the interest of our small remaining debt, and the assets in the sinking fund are amply sufficient to provide for the payment of any of the loans of the commonwealth which can, under the provisions thereof, be paid for several years to come. It may be proper for me to state that in these recommendations both the Auditor General and State Treasurer, who have given careful consideration to the subject, in the main concur.

#### SINKING FUND.

The operations of the sinking fund have been, especially during the last year, very satisfactory. More than two years ago the commissioners of the sinking fund adopted the policy of purchasing the loans of the commonwealth, and especially the five per cent. loan which is reimbursable first of February, 1892, in preference to investing these funds in bonds of the United States which have become, under the manipulation of large operators in money centers, and in view of the purchase of its own bonds by the general government, a speculative security, having ranged during the past year in price from a hundred and twenty-eight to one hundred and twenty-one. It was believed that



with the certainty of the payment of the loan of 1877, when the same became reimbursable in 1892, the holders of our five per cent. bonds would be willing to accept payment thereof upon terms which would yield interest to the sinking fund at the rate of two and one-half per cent. per annum. A standing offer for these bonds was made at a premium which would yield such a rate of interest. The reasonable expectations of the commissioners were for a time disappointed, although they industriously sought out and endeavored to negotiate for these bonds in the hands of large holders of them. During the past year, however, the near approach of the time of payment and the certainty that the sinking fund would be in a condition to pay these bonds whenever by the terms thereof such payment could be made, have led to large sales thereof and so successful have the commissioners been in purchasing them that there now remains outstanding of the entire loan of eight millions only about three million dollars. I beg to call your attention to the following detailed statement of the public debt, the assets in the sinking fund and the amount of the debt canceled in each of the years 1889 and 1890:

PUBLIC DEBT STATEMENT 30th November, 1889.

Non-interest bearing debt:

Relief notes, act 4th May, 1841,.....	\$96,146 00	
Interest certificates unclaimed, .....	4,448 38	
Interest certificates outstanding, ...	13,038 54	
Domestic creditor, .....	25 00	
	<hr/>	\$113,657 92

Over-due loans upon which interest has been stopped:

Five per cent. bonds, .....	\$18,414 70	
Six per cent. bonds, .....	2,000 00	
Six per cent. Chambersburg certificates, .....	148 66	
	<hr/>	20,563 36



## Interest bearing debt:

Three and one-half per cent. bonds, .	\$1,754,900 00	
Four per cent. bonds, .....	7,471,950 00	
Five per cent. bonds, .....	3,978,900 00	
Six per cent. agricultural scrip bond, ..	500,000 00	
Six per cent. on proceeds of sale of experimental farms, .....	17,000 00	
	<hr/>	\$13,722,750 00
		<hr/>
Making an aggregate indebtedness of, .....	\$13,856,971 28	
Public debt November 30, 1888, .....	14,738,921 28	
	<hr/>	
Reduction during 1889, .....	\$881,950 00	
	<hr/>	

## ASSETS OF THE SINKING FUND.

Twenty bonds Allegheny Valley Railroad Company, \$100,000 each, .	\$2,000,000 00	
Interest to 30th November, 1890, ...	91,666 67	
Pennsylvania Railroad Company, balance due for sale of main line, with interest to 30th November, 1889, .., .....	843,239 35	
\$3,300,000 United States 4 per cent. bonds, costing, with premiums, ...	4,087,626 88	
\$25,000 United States 4½ per cent. bonds, cost, .....	26,468 75	
Cash in fund 30th November, 1889, ..	2,717,177 37	
	<hr/>	\$9,766,179 02
Balance unprovided for, .....	4,090,792 26	
	<hr/>	\$13,856,971 28
		<hr/>

## PUBLIC DEBT STATEMENT, 30TH NOVEMBER, 1890.

## Non-interest bearing debt:

Relief notes, act 4th May, 1841, .....	\$96,145 00	
Interest certificates unclaimed, .....	4,448 38	
Interest certificates outstanding, .....	13,038 54	
Domestic creditor, .....	25 00	
	<hr/>	\$113,656 92

Over-due loans upon which interest has been stopped:

Five per cent. bonds, .....	\$18,414 70	
Six per cent. bonds, .....	2,000 00	
Six per cent. Chambersburg certificates, .....	148 66	
	<hr/>	20,563 36

Interest bearing debt:

Three and one-half per cent. bonds, ..	\$1,663,500 00	
Four per cent. bonds, .....	6,732,100 00	
Five per cent. bonds, .....	3,303,100 00	
Six per cent. agricultural scrip bonds, ..	500,000 00	
Six per cent. on proceeds of experimental farms sale, .....	17,000 00	
	<hr/>	\$12,215,700 00

Making an aggregate indebtedness of, .....	\$12,349,920 28
Public debt November 30, 1889, .....	13,856,971 28

Reduction during 1890, .....	<u>\$1,507,051 00</u>
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#### ASSETS OF THE SINKING FUND.

Nineteen bonds of the Allegheny

Railroad Company, \$100,000 each, ..	\$1,900,000 00	
Interest to 30th November, 1890, ....	38,000 00	
\$3,300,000 United States four per cent. bonds, cost, .....	4,087,626 88	
\$25,000 United States four and one-half per cent. bonds, cost, .....	26,468 75	
Cash in fund 30th November, 1890, ..	2,229,214 36	
	<hr/>	\$8,281,309 99
Debt unprovided for, .....	4,068,610 29	
	<hr/>	<u>\$12,349,920 28</u>

The net amount of the debt of the commonwealth on the 30th of November, 1890, unprovided for was \$4,068,610.29.

There are claims due from the government of the United States to the Commonwealth of Pennsylvania, which have passed one or other of the houses of Congress or been favorably reported by committees thereof, for the refunding of the direct tax; for repayment

of moneys advanced by the commonwealth in liquidation of what is known as the border raid claims; for advances made during the war of 1812; for interest actually paid by the commonwealth upon its war loans during the war of secession, and for expenses incurred in arming and equipping the militia in the year 1864, which, in the aggregate, amount to sum sufficient to pay this entire balance. There is no doubt whatever as to the justice of these claims. They should long since have been paid, and inasmuch as the government pays no interest upon such indebtedness it is of the first importance that the bills providing for their payment be urged in congress by every legitimate consideration.

#### BALLOT REFORM.

The foundation of popular government is the ballot. Anything which affects the independence or the security of the voter; the absolute safety of his ballot when cast, and the honest count and report of the result, is of the highest interest and importance. There seems to be a general belief, more or less widely expressed, that some reform in our system of registration and voting is necessary to preserve to the individual voter freedom from dictation and secrecy in the discharge of his duty as an elector. It was believed that the provisions of our present constitution, at the time of its adoption, met and satisfied the requirements of a pure ballot, as they were then understood. The allegation now is, that our present system does not insure to the individual entire freedom from dictation and absolute secrecy and security in casting his ballot; and, also, that the measure which was supposed at the time more than any other to be preventive of fraud subjects the individual to an espionage which is not only undesirable, but may become, in the hands of unscrupulous persons, hurtful. There is no difference

of opinion as to the desirability of securing such a system as will insure the most perfect freedom in casting the ballot, and the most correct results in its count and publication. It is alleged by certain friends of ballot reform that the abolition of the numbered ballot is essential to such a result. Others equally interested in the subject are of opinion that success can be reached without a change in our present constitution. It is believed that all the good results of what is known as the Australian ballot may be secured without in any way violating the provisions of our present constitution. If this can be done, and the evils complained of are found to have substantial basis, I have no hesitation in recommending the passage of such a bill as will secure to each individual voter of the Commonwealth absolute independence and safety, freedom from every form of dictation in casting his ballot, and absolute certainty as to its being counted as cast. Reform in this direction relates only to the safeguards which surround the citizen entitled to vote. If it be true that our method of registration is so far defective as to secure the privilege of the ballot to those who are not legally entitled thereto, reform should go further than the machinery of conducting the election and certifying its results, and the method of registration should be so amended as to make it impossible for any one not entitled to vote to secure a place upon the list of qualified voters. There can be no danger in our going too far in either of these directions. Those who desire honest elections, without which republican government is a farce, dare not oppose any measures however stringent, which tend toward a successful result.

#### EDUCATION.

The increase in the annual appropriation for our common schools and the lengthening of the school

term have been attended with favorable results. It is believed that no further legislation in the direction of extending the minimum of the school year is necessary. In our agricultural communities the present school term of six months is probably quite sufficient, and inasmuch as the length of the term is under the control of the directors of each locality, wherever it is thought desirable to extend its length, it can be done in accordance with the wishes of the people. As noted elsewhere, I recommend the largest increase of the state appropriation to our common schools which is consistent with the other absolute needs of the commonwealth. The number of schools in state exceeds twenty-two thousand, and the number of pupils attending them approaches one million. Leaving out of view the cost of buildings and payment of interest upon debt, the expenditures for the maintenance of our school system exceeds ten millions of dollars annually. The commonwealth can make no better use of her available assets than by contributing liberally toward the maintenance of this wonderful educational establishment.

#### NORMAL SCHOOLS.

The Central State Normal School at Lock Haven, which was destroyed by fire more than two years ago, has been re-established in a most substantial and creditable way. A new site was chosen and the buildings erected thereon probably have not their superior in the State. The money appropriated by the last legislature was economically expended and satisfactory results secured in the expenditure. Very marked improvements of a substantial character have been made in the school at Clarion. Many of the normal schools are turning their attention very earnestly to the subject of manual training, and it is hoped that the present legislature will stimulate the tendency in this direc-

tion by specific appropriations for needed assistance. The subject of manual training, with reference to its bearings upon industrial education, is receiving world-wide attention. It is gratifying to know that the report of the special commission authorized by the legislature of 1887, and which was presented somewhat late in the session of 1889, is quoted throughout this country and in countries in Europe, as a most valuable contribution to this great subject. It is to be regretted that the recommendations contained in that report, were not embodied in practical legislation by your predecessors, and the hope is expressed that the subject will be considered by you at such an early date as to render the full discussion of the question, and final, favorable results thereon entirely practicable.

#### THE PENNSYLVANIA STATE COLLEGE.

By the act of congress of 30th of August, 1890, entitled "An act to apply and apportion the proceeds of the public lands to the more complete endowment and support of colleges for the benefit of agriculture and the mechanic arts, established under the provisions of the act of congress, approved July 2, 1862," the endowment of the Pennsylvania State College, in common with colleges of like character in other states, has been greatly increased. By the provisions of this act an appropriation for the year 1889 amounting to fifteen thousand dollars is made which is to be increased to the extent of a thousand dollars annually until the annual payment or increase of endowment amounts to twenty-five thousand dollars. By the second section of this act all grants of moneys authorized thereby are made subject to the legislative assent of the several states and territories to the purpose of said grants; provided, "that payments of such instalments of the appropriation herein made as shall become due to any state before the adjournment of the regular ses-

sion of legislature meeting next after the passage of this act, shall be made upon the assent of the Governor thereof, duly certified to the Secretary of the Treasury." In accordance with this provision of law the assent of the Executive was given, in the absence of the meeting of the legislature, and the sum of fifteen thousand dollars, being the appropriation for the year 1889, was received by the State Treasurer and paid over to the authorities of the college. Your attention is respectfully called to the subject so that if it be your pleasure to do so you may give the legislative assent of the commonwealth to the purpose of said grant. This increase of endowment will enable the trustees of the State College to greatly increase the efficiency of the departments of agriculture and the mechanic arts; to strengthen the department of civil engineering and to establish on a firm foundation a department of mining engineering, which is greatly needed in Pennsylvania. As you are well aware, no portion of the endowment of the college, either under the original act of congress of 1862 or of the act of 1890, can be used, directly or indirectly in the erection, improvement or repair of any buildings. The faith of the commonwealth has been heretofore pledged for the erection and maintenance of such buildings as may be needed to insure the greatest efficiency and success of this much needed and now popular and growing institution. The reports of the State College have made a marked impression both at home and abroad, and in a discussion in the British House of Commons respecting technical schools to be established under a recent act of Parliament it was stated that "The series of plates contained in the annual report of the Pennsylvania State College were the best available illustration of a progressive series of exercises for a course of mechanic arts." Agriculture, manufactures and mining will constitute, in the future, as they do



at present, the triple foundation of Pennsylvania's marked supremacy in industrial pursuits. That is not only wise economy, but is almost absolute necessity, which provides for the best possible training in these several directions of the young men and youth of the present generation.

#### NAUTICAL SCHOOL SHIP.

Under the provisions of the act of 17th of April, 1889, and the appropriation of the 23d of May, 1889, a nautical school ship was established in the port of Philadelphia upon the *Saratoga*, which was furnished, and to a certain extent officered, by the United States government. More than one hundred boys, from at least seventeen counties of the commonwealth, have been received and trained upon this ship with marked successful results. A practice cruise was made during the last summer of more than four months' duration, which proved to be of the greatest value in the training of the boys and in securing the best results as to health and discipline. It is proposed hereafter to make two annual cruises of this character, if the appropriations for the purpose warrant it. I respectfully recommend that the appropriation for the maintenance of this nautical school be increased from ten to fifteen thousand dollars per annum. The city of Philadelphia, it is believed, has already provided for an increase in her appropriation so as to make two annual cruises of the ship possible. It may be interesting to know that this sea-going training ship excited the greatest interest in other countries visited by her, and gave rise to extended discussion of the benefits to be secured by such training for the merchant marine service, in the principal newspapers of England, France and other countries.

## SOLDIERS' ORPHAN SCHOOLS.

Under the provisions of the act of twenty-fifth of May, 1889, the soldiers' orphan school commission therein provided for was successfully organized and the care and conduct of the schools transferred to it. The work of the commission has been carried on successfully and the results secured have been in the main satisfactory. The number of schools has been reduced and now consists of three under the immediate direction of the commission, and three private institutions in which a limited number of children are placed. The property at Chester Springs, Chester county, previously occupied as an orphan school, was rented by the commission for a number of years, and those at White Hall and Mount Joy were consolidated and transferred to this point. The school at Harford, in Susquehanna county, and that at Jumonville, in Fayette county, have been maintained with satisfactory results. It is believed that this good work can be carried on under the present system in a way that will give entire satisfaction to the people of the commonwealth. The detailed reports of the commission and inspectors are respectfully referred to for the details of the work accomplished and recommendations for the future.

## SOLDIERS' AND SAILORS' HOME.

The accommodations for the disabled veterans of the commonwealth, who have rendered valuable service to their country, have been greatly increased during the past two years. The home at Erie has been enlarged and improved; a new infirmary built; greatly increased capacity secured; the dining room and chapel accommodations much enlarged, and the grounds shaped and beautified so that the entire establishment is a credit to the commonwealth and a source of com-

fort and satisfaction to the beneficiaries of this most charitable institution. Although the legislature is asked to appropriate the full amount needed for the maintenance of the home, it will be understood that the one-half of the cost of its maintenance is returned to the State Treasury by the United States. These payments have been made quarterly heretofore, although the appropriation proving insufficient, the amount has fallen short of what is provided for and should have been paid under the statutes of the United States. It is probable that the maximum number of disabled veterans to be cared for in the home has been, or soon will be, reached and that no increase in the accommodations for their benefit may be found necessary in the future. The policy and late action of the United States government looking towards the pensioning of all its disabled soldiers, will tend to enable those who have families to remain at home, and possibly to return to their homes some who are now inmates of the institution at Erie. Your generous consideration of the claims of the home is invoked for the future.

#### SECRETARY OF THE COMMONWEALTH.

The work in the office of the Secretary of the Commonwealth has more than doubled under the provisions of our present constitution. Its value to the public is of the greatest importance. As stated in a previous message no provision of law is made for the publication of a report of this department. The only public information furnished from the office under the provisions of law is the list of charters of corporations enrolled therein, which is indexed and bound with the pamphlet laws. As was the case two years ago, the Secretary of the Commonwealth has made a report for this year, which is herewith transmitted for your information. It is full of interesting matter for the

public and contains suggestions of practical value which are commended to your careful consideration. I respectfully suggest that some provision be made for an annual report from the Secretary of the Commonwealth, which shall contain the list of charters of corporations, now attached to the pamphlet laws, and such other information as may be of public interest. The increase of the work in this office has been so great that it is with difficulty that the present force of clerks, with the aid of occasional temporary help, has been able to meet its demands. The papers in the office have been thoroughly overhauled and systematized, and the executive minutes contained in rough blotters from 1861 to 1867 have been carefully recorded in proper books made for the purpose, and the office generally very greatly improved in system and efficiency. Honorable Charles W. Stone, the Secretary of the Commonwealth for nearly four years, by reason of his election to fill a vacancy in the Fifty-first Congress, resigned his office on the 30th of November last. To his untiring zeal and industry, to his large experience and the singleness of purpose which he brought to the discharge of his duties, the improvements in this office are largely due. His efforts were seconded by a body of capable and trained men, who have given themselves to the work without regard to hours and with a sole desire to reach the highest degree of efficiency. Hon. J. H. Longenecker, of Bedford county, was appointed Secretary of the Commonwealth upon the retirement of Secretary Stone, and entered upon the discharge of his duties upon the first of December ultimo.

#### ATTORNEY GENERAL.

I desire to call your especial attention to a summary of the work done in the Attorney General's Department during the last four years, as contained in his

report, which will be submitted to you in accordance with the provisions of law. There have been collected by him, prior to January 1, 1891, one million two hundred and fifty seven thousand four hundred and eighty-five and twenty six one hundredths dollars, as the net result of four hundred and seventy four appeals filed by corporations; thirty-nine suits against public officers and delinquent corporations; fifty-four cases disposed of in the Supreme Court of Pennsylvania, and twelve cases disposed of in the Supreme Court of the United States, in a large majority of which appeals the commonwealth has been successful. The large amount collected during the years 1889 and 1890, especially the latter, is the result of the successful conduct of appeals in the "loans tax cases" through the various steps of litigation to final judgment in the Supreme Court of the United States, which was in favor of the commonwealth. The Attorney General has paid into the State Treasury in commissions, which under the law he is not authorized to appropriate to his own use by reason of legal limitations affixed to his compensation, the sum of twenty-seven thousand four hundred and eighty-nine and twenty three one hundredths dollars. The work of this office has been greatly systematized and improved. All opinions rendered numbering, prior to January 1, 1891, one hundred and eighteen have been carefully recorded and a precedent set which it is hoped will be followed hereafter, so that the body of law which is thus created may be preserved in such a way as to enable the department, and all others interested in the subject, to ascertain what these decisions are. The Attorney General has given his personal attention and almost undivided time to the work of his office. It has been of an exacting character, and I desire to bear testimony to the efficiency and fidelity with which he has served

the Executive, the legislature and the people of the commonwealth.

#### NATIONAL GUARD.

The report of the Adjutant General and accompanying documents will give you full information as to the improved condition of our citizen soldiery. Great advance has been made in all that constitutes the essential elements of an efficient and reliable militia. The annual appropriation made by the United States government to the National Guard of the several states has been considerably increased, and through this it has been possible to arm the entire Guard with the improved Springfield rifle. The equipment has been in other respects much improved, but it will be necessary in the near future to secure a new equipment of clothes-bags and haversacks. Under the spur of the favorable impression which our National Guard created upon the minds of your predecessors, in their appearance at the centennial celebration of the inauguration of George Washington as first President of the United States, on the 30th of April, 1889, in the city of New York, a clause was inserted in the general appropriation bill providing for dress uniforms for the Guard. Such a provision would doubtless tend to elevate the tone of the service and create additional esprit de corps in its ranks. Such an item, however, in the general appropriation bill was plainly repugnant to the constitutional provision governing that subject, and it was reluctantly disapproved.

At the request of the sheriff of Cambria county the Fourteenth regiment and one company of the Fifth regiment were placed on duty at Johnstown, to aid the civil authorities in the maintenance of order and the preservation of property, shortly after the great calamity which befell that community by reason of



the floods of 1889. There was no such assertion of lawless force as overawed the civil authorities in this case, and had the circumstances been such as usually attend an exhibition of lawlessness, the use of the military could not have been justified. The vast amount of property to be guarded, and the utter overthrow of the municipal authority made it seem desirable to comply with the request of the sheriff. The valuable service rendered, the excellent discipline maintained and the moderation which prevailed through the trying period during which these troops were in active service, demonstrate in marked degree the value and efficiency of our present organization. The Adjutant General gave personal attention to the disposition and employment of the military force called into active service, so long as he remained at Johnstown superintending the operations of the State Board of Health. His services in both capacities were wisely and efficiently rendered. I desire also to express satisfaction at the admirable manner in which the members of my staff, the officers of the supply department of the National Guard and all other officers and soldiers who were called into active service, responded to the call to duty and met the obligations of the service which were entailed upon them by the distressing circumstances which prevailed in that unfortunate locality. The interests of the National Guard are commended to your generous and considerate attention. As has been heretofore frequently remarked the money which is expended in maintaining this force in its efficient condition yields a full return to the people of the commonwealth in the moral effect which such a body of soldiers, ready for instant and effective service, must have in restraining and preventing any exhibition of lawlessness. This well considered aphorism is more true of the National Guard to-day than it has ever been.



It is impossible to close this portion of my official communication to you without an expression of the irreparable loss which the National Guard has sustained in the death of its division commander—Major General John F. Hartranft. The peer of any soldier sent into the service from Pennsylvania in the war of secession; trained by more than four years' of active service during that trying period in the art of war; fully acquainted with the elements necessary to constitute the model citizen-soldier, and realizing in marked degree the importance of a trained body of militia as the efficient reliance of the Executive in time of domestic turbulence or insurrection, he was the man of all others to organize and mold an ideal corps. He has been the moving spirit of our present organization almost since its inception, and especially since its reorganization in 1877. His loss is regarded by the entire National Guard as irreparable, and its members, with an enthusiasm and affection in every way commendable, have united in voluntary contributions to erect his grave, in Norristown, Pennsylvania, a monument which shall suitably mark his final resting place.

#### THE SUPREME COURT.

The provisions of the act approved the 28th day of March, 1889, requiring the state reporter to report all the cases decided by the Supreme Court of this Commonwealth, has increased the labor of the judges of that court and of the reporter to a considerable extent. There have been issued during the year 1890, nine volumes of the decisions of the court, which number is not likely to be diminished in the time to come. It will be necessary to provide additional clerical help for the reporter, and I would suggest, also, that such assistance, clerical and stenographic, be provided for the members of the court as they may require. The relations of the court and the reporter, under the provisions

of the act referred to, are of such a character that it would be well, in my judgment, to change the manner in which the reporter is to be appointed, vesting that power in the hands of the court with such safeguards as to removal for cause by the Governor as might be deemed expedient.

#### DEPARTMENT OF INTERNAL AFFAIRS.

In my message to the legislature of 1889, attention was called to the condition of many of the records and surveys in the Land Office of the Department of Internal Affairs, and the suggestion was made that such as were so mutilated and worn by use as to be partially illegible and in danger of destruction, be carefully copied by skilled draughtsmen. The force in that office is not sufficient for this purpose, and I again respectfully recommend that provision be made for such work, to be conducted under the supervision of the Secretary of Internal Affairs. These records constitute an important part of the title to real estate and should be put beyond the danger of loss by further mutilation.

Under the provisions of an act of assembly of 13th of May, 1887, a state weather service has been organized, which it was supposed would be generally useful to the citizens of the Commonwealth. The details of the bureau thus organized are under the exclusive control of the Franklin Institute, for the Promotion of Mechanic Arts, in Philadelphia. Under the provisions of this act, the Secretary of Internal Affairs is charged with no special responsibility, and would seem to be under the direction of the Franklin Institute. If the state weather service is of sufficient importance to warrant such appropriations as have been made to it in the past, it may be a question as to whether it is not advisable to place the entire responsibility in the hands of, and make the appropriation directly to, the Franklin Institute, so as to relieve the secretary of any connec-

tion therewith; or, to so amend the law as to place the weather service in the hands and under the control of the Secretary of Internal Affairs, so as to give him authority and supervision over the bureau with the view of being responsible for its results. It may be doubted whether, as at present conducted, this bureau yields sufficient practical benefits to the public to make adequate returns for the annual appropriation therefor.

The Bureau of Vital Statistics, which is partly under the control of the Department of Internal Affairs, and partly under the control of the State Board of Health, would seem to require some further legislation if it is to be made of practical value to the public. The law authorizes the collection of statistics showing the births, deaths and marriages in the various counties, and also requires the registration of physicians throughout the commonwealth. No attempt has yet been made to collect information regarding births and deaths. A fairly complete registration of physicians has been made through the efforts of the State Board of Health and returns from, perhaps, one-fourth of the counties have been secured showing the number of marriages. Blanks have been furnished to the clerks of courts in the different counties, but very little heed has been paid to the request for statistics, for the reason that no provision has been made for paying the expense incurred in making the returns called for. If these statistics are of sufficient value to justify their collection, it should be made the especial duty of certain officers of the several counties to make the returns, and a penalty should be provided for a failure to do so. In case the service is required, reasonable compensation should be provided therefor. Any statistics now gathered upon the subject are of little or no value, because the provisions of law are not generally observed.

The act of ninth of May, 1889, provides for full and complete compilations and returns to the Department

of Internal Affairs, of all taxes levied and collected in the wards, boroughs and townships of the several counties of the commonwealth at the expense of the State. It also enforces obedience to the provisions of the act by pains and penalties. The results of these compilations and returns, if faithfully made, would be invaluable and would have enabled our present revenue commission to conduct their investigations upon well-considered data. The failure to secure such data has largely neutralized the value of their work. This failure is alleged to be due to the fact that no appropriation was made for the payment of the expenses incurred under the provisions of the act. It will be necessary to make an appropriation to meet the expenses of the counties which in good faith carried out the provisions of the law, and I respectfully recommend that appropriations be made also for securing these compilations and returns for the next year, so as to secure reliable data upon which the whole subject of inequality of taxation may be intelligently considered and a definite conclusion reached.

#### STATE LIBRARY.

Your attention is respectfully called to the detailed report of the State Librarian for information as to the additions made to the library and the necessities for increased room therein. The library is taking rank, as it should, among the important consulting libraries of the country. Liberal appropriations should be made for its enlargement, especially in the direction of Pennsylvania local history. It should be the most complete collection of works relating to the history of our own State to be found anywhere, and the present librarian is perhaps better fitted for securing such a collection than any man now living. It would be well to take advantage of his knowledge and ability in this direction during his incumbancy of the office.

I respectfully renew my suggestion relating to the distribution of state documents to all public libraries desiring to be made the recipient of them, through the State Library. For this purpose not less than five hundred copies of each document published should be placed in the hands of the librarian for distribution. This would secure the regular collection of documents where they would be most useful, and where they would be likely to be preserved in unbroken sets. The publications of the general government are furnished to certain designated depositories in each state with evident advantage, and there is no reason why the same should not be done with equal advantage so far as our State publications are concerned. There is much waste in the present mode of distribution. Such a plan as is herein suggested would at least preserve for reference and future use a small portion of the documents annually distributed.

#### FACTORY INSPECTOR.

Under the provisions of the act of the general assembly of 20th of May, 1889, entitled "An act to regulate the employment and provide for the safety of women and children," etc., the office of factory inspector has been established and the system of inspection therein provided for, put into satisfactory operation. The importance and reasonableness of the law have been recognized very generally by those employing labor, and the reasonable requests of the inspector and his assistants have been readily complied with. Experience has shown the desirability of amendments to the law in certain respects which will be brought to your attention in the proper way by the factory inspector.

By the fifth section of the act it is made the duty of the inspector to report to the Bureau of Labor Statistics of this state, on or before the 30th day of November of each year, the name of factory, number of hands em-

ployed and the number of hours of work performed each week. No provision is made for the publication of this report. If published it would necessarily be included in the publication of the Bureau of Labor Statistics. Inasmuch, however, as the chief of that bureau does not make his report until May 30, there will be necessarily a delay of six months in securing the publication of the report of the factory inspector. The time for the making of the annual report of the inspector should be changed so as to conform to the period covered by the report of the Bureau of Labor Statistics, and this report should be included in the publications of that bureau.

No appropriation was made by the last legislature for the payment of the salary and expenses of the factory inspector, although the evident intention of the law was to make such an appropriation. Provision was made for the payment of the salaries of the deputy inspectors in specific terms; but the salary of the inspector himself and his expenses were not provided for, although the amounts thereof were definitely fixed. I respectfully recommend that an immediate appropriation be made to provide for this defect in the law.

In this connection it may be well to call attention to a practice which has given rise to very serious embarrassment in several instances, in which the legislature has made provision for the expenditure of money without making a specific appropriation therefor. Persons charged with the duty of carrying out the provisions of the law are subject to serious embarrassment in failing to do their duty, and the Auditor General and State Treasurer are equally or more greatly embarrassed in making payments without specific appropriation. Every bill introduced into the legislature requiring the payments of money should provide an appropriation therefor, or if such appropriation can be properly placed in the general appropriation bill, provision



should be made therein for its payment without fail. This is a subject of such serious moment that I cannot emphasize it too strongly.

#### FISH COMMISSION.

The work of the commissioners of fisheries has been pursued with unusual and most gratifying success. Complaint is made of the pollution of our waters, which not only destroys the life of the fish placed in them but also sterilizes their feeding grounds by killing the crustacea and other food on which they thrive. The necessity for the preservation of the purity of our streams has been referred to elsewhere, and I allude to the subject again only for the purpose of emphasizing its vast importance. The annual fish distribution has been quadrupled during the past three years, and within the last year a distribution of nearly fifty millions of the varieties of fry of food fish has been made within the waters of the commonwealth. In view of this work and the intelligent and enthusiastic interest taken in it by the present commissioners, I respectfully recommend liberal appropriations for their increasingly valuable work.

#### CAPITOL IMPROVEMENT.

Respectful attention is called to the suggestions made in the reports of the Secretary of the Commonwealth, Adjutant General and State Librarian in regard to the danger of loss by fire of the invaluable collections under their charge respectively. This danger is real and imminent. Twice within the last year accidental fires, without serious results, have been promptly extinguished in the legislative buildings. In addition to this present danger, which is a constant menace to the invaluable collection of archives, trophies, art and literature in the executive and legislative buildings, there is an actual and felt want of office room for



the several bureaus and departments of the state government. The board of commissioners of public grounds and buildings is charged with the duty of providing accommodations for the soldiers' orphan schools commission, for the factory inspector, for the board of public charities, and the other public officers, when every available room in the several buildings which constitute the state capitol is occupied. During the recess of the legislature, committee rooms have been occupied as offices, but as the time for its meeting approaches these must be vacated so as to afford proper accommodations for the work of its several committees. The department of soldiers' orphan schools occupies the supreme court room. The board of charities is accommodated in the consulting room of the judges of the supreme court. The factory inspector has been temporarily domiciled in the bureau of statistics. The superintendent of public grounds and buildings has no office of any kind. Several of the departments are crowded within the limits assigned to them. Definite and immediate action should be taken upon this subject.

Much care and thought have been bestowed by me upon this problem, and consultation has been had with numerous architects. The result is a deeper conviction on my part that the wise thing and the economical thing for the commonwealth to do is to build one new building, of ample proportions, thoroughly fire-proof, within which all the executive departments and the library can be assembled. Devote the present central building to the exclusive use of the legislature, and provide quarters in the present executive building for the school department, department of agriculture, board of charities, board of public health, soldiers' orphan schools commission, factory inspector and superintendent of public grounds and buildings. The erection of a new capitol building, for all purposes, would neces-

sarily involve the destruction of all the present buildings, inasmuch as a new building would occupy the site of the present ones. In addition to the expense involved in the erection of a new capitol, the time necessary therefor would be at least four or five years, during which period all the departments of the state government and the legislature would be compelled to seek temporary quarters. The present buildings are dignified in their architecture, are regarded by competent experts as unusually fine specimens of their kind and are surrounded by many associations which ought to be preserved. Our sister Commonwealth of Massachusetts, served. Our sister Commonwealth of Massachusetts, with a state house older than our present buildings, preserves it with marvelous care and is increasing the accommodations for their state government by building an annex in its rear. The experience of other sister states which have made provision for all the several branches of government in one building has been most unfortunate, not only as to the matter of expense, but also as to their inability to secure proper light and ventilation. The plan proposed could be carried into effect without making a serious drain upon the revenues of the commonwealth or adding to our public debt. A building such as is proposed could be erected so as to supply the needs of the several departments which would be therein provided for with accommodations for a hundred years to come. The present executive building could be enlarged or replaced by another if the necessities of the future should require it. The walls of the center building are in perfect condition, and it would only be necessary to remodel its interior to make it in all respects thoroughly conform to all the requirements of the legislature.

After consultation with architects and with many of our citizens who are deeply interested in the preservation of our present buildings, I have no hesitation in

recommending the passage of an act similar to that of the 3d of June, 1887, which, except so far as the item for the remodeling of the executive mansion is concerned, was disapproved because of a want of funds to carry its provisions into effect. The amount appropriated therefor was probably insufficient; but it is confidently believed that the expenditure of one million of dollars would secure better accommodations for the several branches and departments of state government; better light and ventilation, and better architectural effects than could possibly be secured by a single building costing five times that amount.

The money appropriated under the fifteenth section of the act of 29th May, 1889, for a conservatory upon the capitol grounds was expended, as therein provided, under the direction of the commissioners of public grounds and buildings. Several designs were submitted and the commissioners selected that which, in their judgment, would yield to the commonwealth the best return for the money invested. The appropriation, however, was not sufficient to enable them to complete it in accordance with the design. They, therefore, arranged for the erection of a central building with two curtains, which exhausted the appropriation, leaving the wings, which are necessary to its completion and to secure the full effect architecturally, as well as the necessary conditions for different varieties of plants, to be erected hereafter if the legislature should deem it wise to appropriate money therefor. An appropriation of five thousand dollars will, it is believed, be sufficient to complete the building in accordance with the original plans, and will enable the florist to secure much better results than he is able to obtain with the present building. It may be well to add that the change from the plan heretofore adopted, by which houses were rented, has been productive of the best results.

In accordance with the request contained in the act of the 8th of May, 1889, the commissioners of public grounds and buildings have removed the iron fence surrounding the capitol grounds. So much thereof as was necessary to fence the grounds at the arsenal was used for that purpose, and constitutes a most desirable improvement there. No appropriation having been made for the removal, that expense was defrayed by the sale of the balance of the fence not necessary for inclosing the arsenal grounds. The improvement to the capitol grounds by the removal of this fence is apparent, but much more so in the summer season than during the winter. In order to secure the best results it will be necessary to keep the slopes and terraces adjacent to the streets carefully and closely shaven, and in order to do this, as well as for the purpose of laying a permanent pavement to replace the board walk, which is the main avenue from the capitol grounds to Third street, and for other repairs and improvements, a liberal appropriation based upon estimates which will be furnished you is recommended.

#### WORLD'S COLUMBIAN EXPOSITION.

It is important that Pennsylvania be fully and creditably represented in the exposition which will be held in Chicago in 1893, to commemorate the four hundredth anniversary of the discovery of America. The exposition is projected upon a large scale and will doubtless be a memorable event in the history of this country. It will have a decided influence upon relations with our sister republics south of us, and in order to impress them and the people of other countries with the extent and variety of our manufactures and industries, our great commonwealth should be properly represented. Our sister states are moving in this direction, some of them with comprehensive plans contemplating the most elaborate exhibition of all their products. Our danger is that we may delay preparation for the proper

representation of Pennsylvania until too late, and will awake to a realization of our mistake when it cannot be remedied. I respectfully recommend the organization of a commission to supervise the part which Pennsylvania shall take in this exposition, and that liberal appropriations be made for the erection of a suitable building, and for stimulating in every proper way a complete and satisfactory exhibit of all our industries. It has been suggested that an appropriate and fitting building to represent Pennsylvania would be a reproduction of Independence Hall at Philadelphia. This subject can, of course, be safely and properly left in the hands of the commission having the matter in charge, but it is mentioned here for the purpose of indicating to some extent the amount of appropriation which may be properly expended in securing a representation which will be commensurate with the dignity, the importance, the wealth and the population of our great commonwealth.

#### GETTYSBURG.

The work of the Gettysburg Monument Commission, which was organized under the provisions of the act of 15th June, 1887, approaches completion. It has been well and faithfully done. The commonwealth has secured the best results attainable for the appropriation made. It is believed that every Pennsylvania organization taking part in the battle of Gettysburg in the service of the United States has completed, or has in process of completion, a suitable memorial erected or to be erected under the supervision of this commission. A claim has been made for the erection of a memorial to the Twenty-sixth Pennsylvania emergency regiment, which, acting under the orders of General D. N. Couch, was sent to Gettysburg on the 26th of June, 1863; and which, in the vicinity of the town, had an engagement upon that day with the advance of

Lee's army, inflicting some loss upon them and seriously delaying their movements. This claim has been carefully examined by the commission and approved by it, and, in accordance with their suggestions, I respectfully recommend an appropriation of fifteen hundred dollars to be expended in the erection of a proper memorial under the direction of the commission.

The dedication of these memorials upon Pennsylvania Day and Pennsylvania Reserve Day has resulted in a large amount of regimental history, covering principally the part taken by the several organizations in the battle of Gettysburg. This mass of material should be systematized, edited and carefully preserved. If published in a single volume, with lithograph cuts of the several monuments erected by Pennsylvania to her military organizations which participated in the battle of Gettysburg, it would itself constitute the most striking monument illustrative of and perpetuating the memory of the part taken by the representatives of our commonwealth upon her own soil in the greatest struggle of the War of Secession. I recommend a liberal appropriation for this purpose to be expended under the direction of the commission heretofore organized for the erection of monuments, the members of which, in their study of the subject, having qualified themselves for the intelligent and efficient discharge of such a duty.

#### MONUMENT TO MEADE, HANCOCK AND REYNOLDS.

In disapproving the act passed by the legislature of 1887, appropriating forty thousand dollars to be expended in erecting two suitable monuments on the battle-field of Gettysburg, to the memory of General George G. Meade, and General Winfield Scott Hancock, the present Executive used this language: "My hope is that before the next regular meeting of the legislature plans may be perfected for more fully and satis-



factorily providing for monuments to Generals Meade and Hancock than could be done under the provisions of the bill which relates to them. If this can be done, and a sufficient amount appropriated to properly carry them into effect, it would give me very great pleasure to co-operate personally and officially in doing so."

Pennsylvania was represented in the battle of Gettysburg by the commander of the Army of the Potomac, and the commanders of the First and Second corps which played such a notable part in the conduct of the battle, and in achieving its decided results. A plan has been under consideration for some time in which great interest has been evinced by the people of this and other countries, looking to the erection of a colossal monument to perpetuate the memory of General Meade, his corps commanders and the different arms of service engaged in this battle. The United States government has appropriated large amounts of bronze for this purpose. Some contributions have been made by private individuals. It is believed that the co-operation of five or six states may be secured to carry the plan into effect. Pennsylvania will be most largely represented in such a monument, which should constitute the crowning glory of the field. The battlefield is upon her own soil; her three representatives are worthy of the most that she can do to perpetuate their memory. I recommend that an appropriation of at least seventy-five thousand dollars be made for this object, to become available when a sum of not less than two hundred and fifty thousand dollars, including the above amount, has been secured from states or individuals for the purpose of completing the work. It would be well to provide for a commission to supervise the work, upon which states making appropriations for this purpose in the future should have representation.



## MIFFLIN MONUMENT.

Under the provisions of the act of third of June, 1887, the Governor, Secretary of the Commonwealth and the Secretary of Internal Affairs were authorized and empowered to erect a suitable monument over the grave of Thomas Mifflin, Governor of Pennsylvania from December 21, 1790, to December 17, 1799, and the sum of one thousand dollars was thereby appropriated for carrying the provisions of the act into effect. Negotiations were commenced with the officers of the church in whose yard the remains of Governor Mifflin rest, for the erection of this monument. Verbal assent was given thereto, and plans and specifications were invited in order to procure a suitable memorial. The appropriation was small and an effort was made to secure satisfactory results. A bid was made by a competent artist, who was much interested in the subject, for the erection of a monument with a bust of Mifflin surmounting it, which, in the opinion of the commission, was suitable and met the wishes of its members in all respects. The authorities of the church, however, declined to allow it to be erected on their grounds, and the effort to carry out the provisions of the act of assembly were necessarily thereupon abandoned.

## MONUMENT TO WILLIAM DENNING.

Under the provisions of the act of 24th May, 1889, approved upon the express condition that the design of the monument be approved and the money expended under the direction of the commissioners of public grounds and buildings of the commonwealth, a monument has been erected to the memory of William Denning, who constructed wrought iron cannon for the use of the revolutionary army, at his grave in the churchyard adjoining the Presbyterian church of Newville, Cumberland county. This monument was unveiled

with appropriate ceremonies on the 6th day of November last. The work has been creditably done and approved by the board of commissioners of public grounds and buildings.

#### PORTRAITS OF GROW AND RANDALL.

The attention of the Executive has lately been called to the fact, by persons deeply interested in the subject, that whilst the speakers of the House of Representatives of the United States Congress from Massachusetts are represented in the corridors of its hall by oil paintings presented to congress by that ancient commonwealth, the services of men equally worthy and distinguished who occupied the same place from Pennsylvania are perpetuated by cheap crayon portraits. We are too little disposed in Pennsylvania to recognize the merits and perpetuate the memory of men who have served with distinguished zeal and conspicuous ability in public place. Two representatives in congress from Pennsylvania have in late years occupied the speaker's chair—Galusha A. Grow and Samuel J. Randall. Their place in history, the distinguished part which they took in the councils of the nation, the conspicuous service rendered by them in the exalted position to which they were respectively called, would seem to demand at our hands some special recognition. I respectfully recommend, therefore, that a reasonable appropriation be made for painting the portraits of these two gentlemen, to be presented to the House of Representatives of the Congress of the United States in a public manner, as a token of the pride and appreciation which the people of our commonwealth have in the memory and the service of these distinguished men.

#### HOSPITAL FOR INJURED PERSONS.

The commission appointed under the provisions of

the act of the 14th of June, 1887, for the selection of a site and the erection of a state hospital for injured persons, to be located at or near Hazleton in the county of Luzerne, to be called "The State Hospital for Injured Persons of the Middle Coal Field," has performed the duty committed to its hands under the terms of the law, and has transferred its care and custody to the board of trustees lately appointed. The commission appointed under the provisions of the act of the same day to select sites and supervise the erection of state hospitals thereon for injured persons, to be located within the bituminous and semi-bituminous coal regions of this Commonwealth, to be called "The State Hospitals for Injured Persons within the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania," has also discharged the trust committed to it. Sites were selected and hospital buildings erected at four different points, namely: Blossburg, Tioga county; Phillipsburg, Centre county; Connellsville, Fayette county, and Mercer, Mercer county. Although the intent of the bill probably contemplated the erection of but three of these hospitals, the commission found that by a careful husbanding of their resources and the utmost economy in the construction of the buildings they could secure four. This seemed to be desirable on many accounts, and accordingly four sites were selected and four buildings were erected. The work has been completed and the several hospitals transferred to the care and custody of the boards of trustees appointed to supervise their management respectively, in accordance with the provisions of the act referred to. Great care has been taken to impress upon the minds of the trustees of all these hospitals that the greatest economy must be exercised in their management, and that it would be well to secure the co-operation of those specially interested in them in the neighborhoods in which they are located respectively. Moderate appropriations will be needed

to carry out the beneficent provisions of these laws and are respectfully recommended.

#### HOSPITALS FOR THE INSANE.

Urgent demand will be made upon the legislature for large appropriations to increase the capacity of our hospitals for the insane. My views upon this subject have undergone no change. I believe it to be the true policy of the commonwealth to return to the several counties, in which adequate provision has been made for their care, imbeciles and those who cannot be benefited by treatment, and who cannot appreciate the efforts which are made to contribute to their comfort, and in this way provide for acute cases where treatment is absolutely required, and where there is at least a chance of restoring the citizen to a position in which the privileges of citizenship can be properly appreciated and its duties discharged. The amount which can be properly appropriated for the purpose of enlarged accommodation will be necessarily limited, and I beg to submit, after a careful consideration of all the facts in the case, whether it would not be best to use, what can be spared from the revenues during the next two years, to replacing the central building and wings immediately connected therewith of the hospital at Harrisburg, thereby increasing its accommodations, and bringing it to the standard of safety and efficiency which has been reached in the other institutions of like character in the state. This hospital is necessarily looked upon as in a measure representative of our public charities. Being near the capitol it is probably visited by more persons for the purpose of mere inspection than any other, and for this reason, as well as because of the urgent needs which demand it, it would seem to be proper to give special attention to its imperative wants. Our hospitals are all reported as being overcrowded, but if the policy indicated were

faithfully pursued it is believed that the pressure upon their accommodations could be materially relieved.

#### PENAL AND REFORMATORY INSTITUTIONS.

The Eastern and Western Penitentiaries, the Reformatory at Huntingdon and the Reform School at Morganza, are all in good condition. The plan adopted for the management of the Reformatory at Huntingdon seems to be working satisfactorily, and good results have in the main attended the discharge of prisoners under the provisions of the law governing the management when, by their conduct, they seem to be prepared to take their place in society as good citizens. As the numbers admitted to the reformatory increase and its industries become established, the cost per capita of maintaining the prisoners will be largely reduced. The expense in the early years of its administration seemed to be excessive, but it is confidently believed that this can be hereafter very largely reduced, and when it is remembered that under the indeterminate sentence system prisoners may be restored to society within a short time, and are not compelled to serve out long sentences, if the cost for the time exceeds that of our other penal institutions it will not in the end be greater. These institutions are all faithfully served by self-sacrificing citizens who give their time and efforts without compensation. Their careful methods, economy in management and intelligent discharge of duty are, in the case of each of these institutions, gladly commended.

#### COMMISSIONS.

Under the provisions of the act of the 4th of May, 1889, Hon. Wayne MacVeagh, Hon. Robert E. Monaghan and William H. Miller, Esq., were appointed a commission to act in conjunction with a similar com-

mission from the State of Delaware to examine, survey and re-establish the boundary line that separates this commonwealth from the State of Delaware. No report of the joint labors of this commission has yet been made, and it is believed that their work has not been completed.

Under acts and resolutions passed by the legislature, commissions were appointed to "revise and codify the laws relating to the relief, care and maintenance of the poor in the Commonwealth of Pennsylvania;" "To revise and consolidate the laws relating to the construction and improvement of the roads and public highways of this commonwealth, and also to consider the advisability and practicability of the state assisting in the construction and improvement of the same;" "To make and survey a route for a ship canal to connect the waters of Lake Erie and the Ohio river," and to "investigate the waste of coal mining with a view to the utilization of said waste."

These several commissions have given careful attention to the duties of their appointment respectively. The poor law commission has made a careful and extended investigation of the subject committed to its care, and has prepared an elaborate report, which will be submitted to you with the data upon which it is based. The recommendations therein contained are entitled to great weight, and it is believed the time has come when uniformity upon this important question should prevail. It is to be hoped that some plan will be adopted by the present legislature which will secure uniformity in the care and treatment of the poor throughout the commonwealth. The subject demands careful investigation and consideration at your hands, in which you will be greatly aided by the work which this commission has so faithfully done.

The road law commission has given much attention to the subject committed to it and will, no doubt, as



required by the resolution under which it was organized, communicate to you directly a report embodying a bill for your consideration.

The coal waste commission is composed of three gentlemen practically interested in the subject committed to their care, and who have given careful consideration to it, but who are not yet prepared to make a report. The question is one of so much practical importance, involving the utilization of what is now practically valueless to the people of the commonwealth, that it is hoped that if more money be needed for investigation and experiment, it will be appropriated without hesitation.

The ship canal commission has industriously and enthusiastically entered upon the careful consideration of determining the feasibility of connecting the waters of Lake Erie and the Ohio river by ship canal, and of surveying and laying out a route for the same. A preliminary report upon this subject has been made to me and the commission will doubtless communicate directly with the legislature, as provided in the joint resolution under which it was appointed. The work of this commission has led to surprising and gratifying results. It is believed that the waters of Lake Erie and the Ohio river can be connected by a ship canal, the construction of which is entirely feasible and comparatively cheap; that the supply of water, which was considered a doubtful problem, is beyond question, and that the grades are not of such a character as to seriously interfere with complete success. This survey has been undertaken with the view of ascertaining the advantages which could be secured to commerce by the construction of such a canal. The results in this direction will be beyond computation, but they do not, in my judgment, constitute the great advantage which the successful completion of such a water-way would secure to the people of the commonwealth and of the



nation. If the waters of Lake Erie and the Ohio were connected by a canal such as is proposed and shown to be entirely feasible, and if the present canal from Albany to Buffalo were enlarged so as to admit vessels of the same size, these links would secure a chain of inter-water-way communication between New York and New Orleans, which would be invaluable for commercial purposes and in times of war would furnish an entirely safe means of communication between these important termini and all interior points. It would in addition give us control for defensive purposes of our lake front, which we do not now have and which it is doubtful whether we can secure in any other way under present treaty stipulations. If the final report of this commission shall prove to your satisfaction that the construction of such a work is feasible it seems to me very desirable, for the reasons herein stated, that the subject be brought in some way to the attention of the government of the United States with the view of securing its co-operation in a work of such magnitude and importance.

#### PHILADELPHIA HARBOR.

Under the provisions of the act of 31st May, 1889, making an appropriation of two hundred thousand dollars in aid of the improvement of the harbor of the port of Philadelphia, proceedings for the purpose of the acquisition of, and vesting in the United States, the title of Smith's Island, Windmill Island, and such other islands or parts thereof as may be necessary to be removed in connection with the improvement of the harbor of the port of Philadelphia by the government of the United States, were begun and carried to successful completion in the courts of the United States by condemnation. The harbor commissioners of said port certified to me that proceedings in condemnation for said islands, or parts of islands, had been confirmed

finally by the proper court, and produced evidence that a sufficient sum of money had been appropriated or secured which, together with the appropriation made by the legislature, equaled the condemned value of said islands or parts of islands. The sum appropriated by the city of Philadelphia to aid in the acquisition of the title of said islands, for the purpose of vesting it in the United States government, exceeded the amount of the state appropriation, and upon a careful consideration of the whole subject, and the evidence laid before the Executive, the appropriation of two hundred thousand dollars was paid over, thus securing the control of the islands, or parts of islands, which have heretofore interfered with the free navigation of the Delaware river at the port of Philadelphia. It is understood that the removal of these islands will be commenced and continued under the direction of the United States government, until the navigation of the river is entirely clear, and a uniform depth of water secured in the harbor, which will admit vessels of the largest class in any part of it.

#### MINING LAWS.

The laws now upon the statute books, relating to the mining of bituminous coal, have been found in practice to be very defective and difficult of enforcement. The same may be said in a less degree of the laws relating to the mining of anthracite coal. In order to systematize these laws and make them harmonious with each other, to secure efficiency in their administration and protection to those who are intended to be benefited thereby, I respectfully recommend that a commission consisting of not less than three, nor more than five persons, be appointed, of which at least one shall be thoroughly conversant with the practical details of mining in the bituminous region, and one of like practical experience in mining in the anthracite region. If

such a commission could be assembled at the capital during the session of the legislature, and report directly to it during its present session, much inconvenience and delay might be avoided and satisfactory results attained.

#### UNIFORMITY OF LEGISLATION.

The good results which followed the convention to secure uniformity in proceedings in extradition among the states, have demonstrated the practicability of the effort to secure uniformity of legislation. Proper subjects of such uniformity are marriage and divorce, wills, descent and distribution of property, form of deeds and acknowledgments and kindred topics. Our sister State of New York has provided by statute for the appointment of commissioners for the promotion of uniformity of legislation in the United States concerning the questions above referred to. By the terms of the statute it is made the duty of the board of commissioners to examine the subjects of marriage and divorce, insolvency, the form of notarial certificates and other subjects, and to ascertain the best means to effect an assimilation and uniformity in the laws of states, and especially to consider whether it would be wise and practicable for the State of New York to invite the other states of the Union to send representatives to a convention to draft uniform laws to be submitted for the approval and adoption of the several states, and advise and recommend such other course of action as shall best accomplish the purposes of the act. The results to be secured by such uniformity as is herein outlined are of great importance, and I respectfully recommend that the Governor be authorized to appoint two or more commissioners to confer with those appointed, or to be appointed from other states, with the view of securing uniformity of legislation upon the subjects referred to

## REGISTRY OF JUDGMENTS OF UNITED STATES COURTS.

By the first section of the act of congress approved August 1, 1888, it is provided "That judgments and decrees rendered in a circuit or district court of the United States, within any state, shall be liens on property throughout such state in the same manner, to the same extent, and under the same conditions only as if such judgments and decrees had been rendered by a court of general jurisdiction of such state; provided that whenever the laws of any state require a judgment or decree of a state court to be registered, recorded, docketed, indexed or any other thing to be done in a particular manner, or in a certain office or county, before a lien shall attach, this act shall be applicable therein, whenever, and only whenever, the laws of such state shall authorize the judgments and decrees of the United States courts to be registered, recorded, docketed, indexed, or otherwise conformed to the rules and requirements relating to judgments and decrees of the courts of the state." By the third section of the act it is provided that "Nothing herein shall be construed to require the docketing of a judgment thereof, in any state office within the same county in which the judgment or decree is rendered, in order that such judgment or decree may be a lien on any property within such county." In view of the provisions of this act, I respectfully recommend that a law be passed authorizing judgments and decrees of United States courts to be registered, recorded, docketed, indexed and otherwise conformed to the rules and requirements relating to judgments and decrees of the courts of this state, except in counties where the judgments or decrees of such courts are rendered. If this were done, an examination of the records of any county would disclose the existence of liens, whether based upon the judgment of the courts of the state or of the United States, and

would be a great convenience and economy of time in making such examinations. The business community is much interested in this subject and it should receive careful and considerate attention.

#### STATUTE OF LIMITATIONS.

The law relating to the statute of limitations in the orphans' court has been definitely settled by the supreme court in a comparatively recent case. Under this decision it is settled "that the statute of limitations may be set up in the orphans' court precisely as in a court of law, or can it be tolled by anything short of a suit at law, or what is its equivalent, in the orphans' court, and a demand upon an executor or administrator is not such an equivalent and does not toll the statute." What is, under such circumstances, an equivalent to a suit at law? In very many cases the representative of a decedent's estate may be unwilling to confess judgment and yet may be entirely satisfied as to the validity of the claim preferred against the estate, and may be satisfied that it is inadvisable to subject the estate to the cost of a suit at law. Would not the ends of justice be attained, and the requirements of the law as settled by the supreme court met, if, under such circumstances, the claimant were authorized to file in the orphans' court a statement of his claim fully set forth, with copies of any papers upon which it was based, verified by affidavit? reserving to representatives of the estate the right of petition to the court to certify the same to the court of common pleas for trial by jury. The subject is one of general importance and should receive the attention which it demands.

#### OBITUARY.

The death of General John F. Hartranft, Governor of the commonwealth from January, 1873, to January,

1878, hereinbefore referred to, occurred at his residence in Norristown on the 17th day of October, 1889; that of Hon. William B. Hart, State Treasurer of Pennsylvania, occurred at Harrisburg, where he resided, on the 9th day of November, 1889, and that of Dr. E. E. Higbee, Superintendent of Public Instruction, at Lancaster, on the 10th day of December, 1889. The death of these distinguished men, who occupied at the time of their decease, respectively, official positions in the service of the commonwealth, was announced to the people in suitable proclamations. They served the people zealously and faithfully in the several places to which they were called, and their memory is deservedly held in respect and esteem.

The Hon. James Pollock, Governor of the commonwealth from January, 1855, to January, 1858, died at Lock Haven, Pennsylvania, on the 19th of April, 1890. His public service and private character entitle him to the place which he occupies among the illustrious men of our commonwealth. The record of a long and well-rounded career was closed within a few days of his having reached the ripe age of four-score years.

#### CONCLUSION.

The present executive had the pleasure in the discharge of duty to communicate to the legislature of 1889 his views upon many questions not herein referred to, which did not receive full and final consideration at the hands of that legislature. Without enumerating those subjects he respectfully renews the suggestions therein contained which have not yet received the indorsement of legislative enactment.

Many subjects requiring attention at your hands have not been referred to in this communication. Others of pressing moment have been dismissed with a paragraph. Coming directly from the people as their immediate representatives, knowing their wants and



the requirements of your several localities, you are depended upon to give emphasis to what has been merely alluded to, and to supply the defects of omission. You legislate for an empire. More than five millions of people look to you for discriminating care and judicious action in the conduct of their affairs. Pennsylvania already leads her sister states in many respects, and is destined to become the greatest of them all in population, wealth, and all the elements which constitute a great commonwealth. Let it be our pride and pleasure in private life or official station, to serve her interests and promote her welfare by singleness of purpose and ardor of devotion.

JAMES A. BEAVER.

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APPENDIX TO THE MESSAGE.

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Preliminary Report of the Secretary of the State Board of Health on the Sanitary Condition of the Flooded Regions in Cambria, Westmoreland, Indiana, Allegheny and Beaver Counties.

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Pittsburgh, June 7, 1889.

To His Excellency James A. Beaver,

Governor of the Commonwealth of Pennsylvania:

Sir: I beg leave respectfully to report that at 4.30 P. M., Sunday, June 2, I left Pittsburgh for Johnstown, accompanied by Dr. G. G. Groff, a member of this board, to inspect the flooded regions of the Conemaugh river.

My primary object was to determine the extent of the danger of pollution of the Conemaugh, Kiskiminitas, Allegheny and Ohio rivers by the decomposition of dead bodies, whether those of human beings or domestic animals, and to reduce that danger within as narrow limits as possible. At Ninevah I found one hundred and sixty-two dead bodies, which were being well and rapidly embalmed and awaited the action of the coroner.



I telegraphed him that where identification had taken place the interests of the public health would warrant dispensing the usual formalities, if necessary, for the expeditious removal of bodies. I ordered free use of disinfectants in and about the morgue. The work at this morgue was excellently done under Devore, Junior, of Pittsburgh.

Seeing the urgent necessity for the employment of a large force of wreckers and searchers, at the earliest possible moment, I telegraphed the sheriffs of Allegheny, Westmoreland, Indiana and Cambria counties, instructing each to summon a large posse and proceed with the work of breaking up drift piles and exhuming bodies. I also telegraphed Adjutant General Hastings that I would report to him at Johnstown early the next morning. June 3rd I crossed the Conemaugh in a skiff to Old Ninevah, where I found twenty-eight bodies not prepared for transportation. I authorized John Barber, justice of the peace, to hold an inquest, as nothing had been heard of the coroner, and instructed him, that all bodies identified must be embalmed, all others wrapped in sheets, soaked in disinfectant, and all not identified by 5 P. M. the following evening, buried; a careful description of body and belongings being kept and the graves marked. Left Dr. Riggs, of the Pennsylvania Railroad Company, in charge at Ninevah.

Reached Morrellville at 10.30 A. M. and walked up to Johnstown. Reported in writing to General Hastings, not being able to find him personally. Crossed the river and reported to Mr. Moxham, chairman of the provisional committee, and advised him to order at once, through the chamber of commerce of Pittsburgh, five thousand pounds of copperas and two thousand five hundred pounds of chloride of zinc for immediate necessities. Made inspection of the entire borough of Johnstown and of the Bedford street hospital. The work of cremation of dead animals, of disinfection of carcasses which cannot yet be extricated, of house-to-house inspection of inhabited houses, of cleaning and disinfecting such houses and of instructing the people how to avoid disease as a result of the unusual conditions in which they were living, was at once inaugurated and is going on very systematically and efficiently, under the superintendence of Dr. Matthews, whom I have appointed chief of the Sanitary corps.

The comparatively small amount of sickness found by the inspectors is sufficient evidence of the value of this work. I have, therefore, less fear of any serious epidemic in Johnstown. Its water supply is, fortunately, pure. Much, however, will

depend upon the rapid destruction of debris and cleaning up of place. For this a large force of men is needed.

The most pressing problem now before the board is the protection of the water supplies of the cities on the rivers below. In order to render more efficient service in this matter I came to Pittsburgh, June 6th, leaving Dr. Groff, whose sound judgment has been of the greatest assistance to me, in charge at Johnstown. Here I am organizing gangs of wreckers to go up as far as Johnstown and down as far as the State line, reclaiming all bodies and destroying all putrifying matter. There still remains a drift heap of many acres in extent and many feet in depth, the greater part of it under water, which covers the Conemaugh river from the Stone bridge of the Pennsylvania railroad up to the junction with Stoney creek, and extends a considerable distance up Stoney creek. This mass is jammed tightly against the bridge. The river flows under it entirely concealed from sight. It is covered to a considerable extent with earth. To burn it as it stands would be an impossibility. It must contain some dead bodies of human beings and many carcasses. These are already putrefying and becoming offensive. Every day renders the situation worse and increases the contamination of the water.

I, therefore, after a careful personal inspection of the entire situation, by virtue of the authority conferred upon the State Board of Health by the act of June 3, 1885, and delegated to me as its executive officer in regulation, I declare the condition of things existing at Johnstown and neighboring boroughs, and especially of the drift-heap above described, and of the waters of the Conemaugh and Kiskiminetas rivers to be a nuisance, dangerous to the public health, and inasmuch as the extent of this nuisance is so great that the local authorities cannot abate it, I call upon Your Excellency as Chief Executive of the Commonwealth to at once employ such force as may be necessary to remove and abate the same.

I have the honor to be,

Your excellency's most obedient servant,

(Signed) BENJAMIN LEE,  
Secretary and Executive Officer.

Commonwealth of Pennsylvania,  
State Board of Health,  
Harrisburg, Pa., June, 14, 1889.

To His Excellency James A. Beaver,  
Governor of the Commonwealth of Pennsylvania,  
Harrisburg, Penna.:

Sir: Connection between Johnstown and other parts of the

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State having been cut off to such an extent that it was impossible for me to obtain definite information as to the condition of other flooded regions at that place; I visited Pittsburgh, June 6, and there for the first time obtained knowledge of the portions of the State requiring attention on this ground. I immediately addressed the following telegram to the eight medical inspectors of the State Board of Health, whose names appear below.

"You are hereby empowered and instructed to make an inspection of the flooded regions in your district, with full authority to employ laborers in the name of the State, to discover dead human beings and animals, and to burn the latter with the debris.

"To L. H. Taylor, M. D., Wilkes-Barre, medical inspector of the Wyoming district.

"P. A. Hartman, M. D., Harrisburg, medical inspector of the Susquehanna district.

"William Leiser, Jr., M. D., Lewisburg, medical Inspector of the Northumberland district.

"E. D. Payne, M. D., Towanda, medical inspector of the Lycoming district.

"R. L. Sibbet, M. D., Carlisle, medical inspector of the Cumberland district.

"A. M. Brumbaugh, M. D., Huntingdon, medical inspector of the Juniata district.

"C. B. Dudley, M. D., Altoona, medical inspector of the Central district.

"Spencer M. Free, M. D., Beechtree, medical inspector of the Western Slope district."

On the following day I organized two gang of wreckers, each with a foreman, with one superintendent over both gangs, to proceed from the mouth of the Kiskiminitas to Johnstown, to recover all dead bodies and burn all carcasses with the debris and to report to me at Johnstown.

A force with similar instructions was sent down the Ohio, as far as the State line, on a steamboat.

The sheriff of Allegheny county has already despatched two boats up the river as far as Freeport, for the same purpose, the last boat leaving the day I arrived at Pittsburgh.

On Sunday, June 9, I sent the following telegram to the sheriffs of the counties mentioned below: "You are hereby instructed to co-operate with the medical inspectors of the State Board of Health in reclaiming dead bodies and burning carcasses and debris in your county."

To the sheriffs of Dauphin, Northumberland, Union, Snyder, Lycoming, Tioga, Bradford, Cumberland, Juniata, Mifflin, Centre, Clearfield, Clinton, Blair and McKean counties.

Dr. C. B. Dudley, of the Altoona district, reports as follows:

Being cut off from rail communication with Johnstown, I immediately began to turn my attention to the other portions of my district, and telegraphed to reliable parties on Clearfield creek, in the Juniata valley, in the Bald Eagle valley, in the Susquehanna valley, at Lock Haven and Renovo, to learn the conditions of affairs in those regions.

In the course of the next day messages were received which very greatly relieved the anxiety in regard to those regions, Mr. W. H. Brown, chief engineer, Pennsylvania railroad, who had personally been over the Juniata valley from Altoona as far east as my district extends, telegraphed me that the whole valley was in good condition, being completely scoured out, and as there was no loss of life in this region, and very few animals destroyed, there seemed to be no danger to the public health.

Mr. R. G. Ford, superintendent of the Bell's Gap railroad, which runs through the region flooded by Clearfield creek, telegraphed that there were no points along the line of that road to Punxsutawney, that needed attention in the matter of discovering dead bodies, and burning dead animals.

Mr. S. S. Blair, superintendent of the Bald Eagle Valley railroad, who was personally over the ground, gave me very satisfactory information in regard to the region from Tyrone nearly to Lock Haven.

On Sunday and Monday the 9th and 10th of June, I personally inspected the South Fork region, as far west as Conemaugh viaduct, and found the condition of affairs not at all threatening to the public health. The whole Conemaugh valley from the South Fork dam down, had been so completely cleaned out that there was nothing except debris from the cars and an occasional animal that needed attention. These were receiving attention from the local authorities.

On Tuesday, June 11, I went personally to Lock Haven, and made an inspection of the place. This region, as well as Renovo, some thirty miles higher up the river, and the contiguous small towns in this portion of the Susquehanna valley, were peculiarly afflicted by the flood. Instead of the filth being carried away by the violence, as in the Conemaugh and Juniata valleys, the flood was sluggish, and the consequence was the whole town of Lock Haven, and indeed all the towns in this region were covered, after the water subsided, with a layer of mud containing large amounts of decaying organic matter. In reality the manure from the stables and the filth from the cess-pools and water closets, were simply floated out of the places where they had been, and disseminated over the whole surface of the towns, in many places the cellars and first floors being covered more or less with this filth. In Lock Haven it was not at all uncommon in going through the streets to meet an odor as of a night-soil cart, simply arising from the stirring up and washing out of the filth from the water closets.

In all the inspection which I made personally, I found an energetic feeling among the people to clean up and take care of the public health. The only real difficulty seemed to be lack of appliances, and money to pay for the cleaning up.

I have already forwarded to your Excellency the report of Health Officer Cline, of Jersey Shore, Lycoming county. The reports of Dr. Paul A. Hartman, of the Susquehanna district, and of Dr. E. D. Payne, of the Lycoming district, the details of which I will furnish your Excellency later, show a condition from a sanitary point of view, similar to that reported as existing in Renovo, Lock Haven and other places, to exist in Williamsport and other flooded towns on the West Branch of the Susquehanna, and on the Susquehanna below the junction of the West Branch.

Reposing entire confidence in the reports of these experts I, therefore, by virtue of authority conferred upon the State Board of Health, by the act of June 3, 1885, and upon the executive officer, by Regulation Number 1, of the Board, declare the condition existing in the towns along the rivers above rehearsed and described, to constitute a nuisance prejudicial to the public health, and inasmuch as the proportions of said nuisance are so extensive as to make it impossible for the local authorities to remove and abate it, I respectfully call upon

your Excellency to at once employ such means as may be necessary to effectually remove and abate the same.

I have the honor to be,

Your Excellency's most obedient servant,

(Signed) BENJAMIN LEE,

Secretary and Executive Officer State Board of Health of Pennsylvania.

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A Proclamation for the Removal of the Drifts Deposited by the Recent Floods in the Conemaugh Valley.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania.

Executive Department.

#### A PROCLAMATION.

Whereas, The State Board of Health, through its secretary and executive officer, has this day made to me a report in writing, bearing date the 7th day of June, 1889, in which, after reciting the action taken by said board in reference to the recent floods which have devastated the Conemaugh valley, and the work which has been done by the said board in providing, as far as possible for purifying the streams and maintaining the health of the people, the condition now existing along the Conemaugh river at Johnstown and its vicinity is fully set forth:

And whereas, The said board, through its executive officer, as aforesaid, has made call upon the Chief Executive of the commonwealth to take action in reference thereto, as follows:

"I, therefore, after a careful personal inspection of the entire situation, by virtue of the authority conferred upon the State Board of Health by the act of June 3, 1885, and delegated to me as its executive officer in regulation, I declare the condition of things existing



at Johnstown and neighboring boroughs, and especially of the drift heap above described, and of the waters of the Conemaugh and Kiskiminetas rivers, to be a nuisance dangerous to the public health, and, inasmuch as the extent of this nuisance is so great that the local authorities cannot abate it, I call upon your Excellency as Chief Executive of the commonwealth to at once employ such force as may be necessary to remove and abate the same."

Now, therefore, I, James A. Beaver, Governor of the said commonwealth, in deference to the said request of the State Board of Health, and in pursuance of its declaration, do hereby declare the said drift in the Conemaugh river at Johnstown and at other points in and about said locality, a public nuisance, and in accordance with the power granted to said board and acting under the authority of the law which confers said power, I do hereby direct that the said nuisance be immediately abated, and to this end I further direct that men and means necessary for said purpose be immediately employed and continued at work until the said nuisance has been entirely abated, and the danger to public health and safety removed, and in doing this, and in order to provide the fund necessary therefor, I do hereby pledge the faith of the Commonwealth of Pennsylvania.



Given under my hand and the Great Seal of the state at the city of Harrisburg this twelfth day of June in the year of our Lord one thousand eight hundred and eighty-nine and of the commonwealth the one hundred and thirteenth.

JAMES A. BEAVER.

By the Governor:

Charles W. Stone,

Secretary of the Commonwealth.



Commonwealth of Pennsylvania,  
State Board of Health,  
Johnstown, October 10, 1889.

To His Excellency James A. Beaver,

Governor of the Commonwealth of Pennsylvania:

Sir: On the seventh day of June, 1889, I had the honor to address your Excellency a communication in which I reported an inspection of Johnstown and the neighboring boroughs and the Conemaugh and Kiskiminetas valley, which had been visited by a devastating flood. Based upon this inspection, I, at the same time, made official declaration, in the name of the State Board of Health, of the existence of a nuisance prejudicial to the public health in these valleys, and called upon your Excellency, in view of the extent of this nuisance, and of the entire inability of the local authorities to cope with the emergency, to "at once employ such force as might be necessary to remove and abate the same."

I have now the honor to report that this work has been brought to a successful termination.

In response to the above noted declaration and request, a large force of laborers was immediately placed at my disposal, under the command of Adjutant General D. H. Hastings, with Colonel H. T. Douglass as chief engineer. At a subsequent period General Hastings' official duties called him elsewhere, the force was considerably reduced, and Captain George C. Hamilton assumed control of operations. I desire here to acknowledge the untiring zeal and energy displayed by these officers in the discharge of their arduous and responsible duties, the uniform courtesy with which my instructions were received, and the fidelity with which they were carried out. The work which has been accomplished may be briefly summed up as follows:

The rivers have been scrupulously patrolled from the State line on the Ohio to South Fork on the Conemaugh, a distance of not less than one hundred and twenty miles, with the result of recovering hundreds of bodies and destroying large numbers of carcasses. The immense masses of wreckage under which Johnstown was buried have been entirely removed, and numerous dead bodies of human beings and animals thus extricated, disinfectants having been freely used to prevent these from becoming a source of disease while still out of reach of the laborers.

Many miles of streets have been excavated, and tens of thousands of tons of earth carted away from private properties

and cellars in order to remove filth with which it was saturated. An idea of the extent of this labor may be gained when it is stated that an area of several acres on which this earth was dumped has been raised fifteen feet above the previous level. Disinfectants were also lavishly used during the prosecution of this difficult and dangerous work. In fact, but for the constant and unsparing application of these agents, the only recourse would have been a general conflagration. Hundreds of wrecked buildings which harbored filth or were dangerously insecure have been torn down and removed. The vast and densely packed dirt at the stone bridge has been rent asunder by dynamite and dragged out with the result of removing much putrescent matter which was polluting the stream. Substantial bridges have been built to afford an opportunity for the transportation of filth and wreckage. The mouths of all the sewers have been opened, and the channels of the rivers freed from impediments to the ready escape of the sewage. The heated term which was so much dreaded has passed with but little serious illness, and the advent of frost brings increased security.

Whatever of imperative sanitary work remains to be done is now quite within the means of the residents, who, encouraged by the generous aid and sympathy which have been extended to them from all parts of the civilized world, are now resuming the responsibilities of citizenship.

I, therefore, in the name of the State Board of Health, declare the nuisance in this district removed and abated, and request that the State forces be withdrawn from and after Saturday, the twelfth day of October.

I have the honor to be,

Your Excellency's most obedient servant,

(Signed) BENJAMIN LEE,

Secretary and Executive Officer State Board of Health and  
Vital Statistics of the Commonwealth of Pennsylvania.

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State Board of Health,  
Executive Office,  
Philadelphia, November 18, 1889.

His Excellency James A. Beaver,

Governor of the Commonwealth of Pennsylvania:

Sir: On the 14th of June last, I had the honor to address you a report, based upon reports of inspections made by eight medi-

cal inspections of this board, of the regions along the West Branch of the Susquehanna and the Juniata rivers. In accordance with the facts contained in those reports, I, at the same time, made official declaration, in the name of the State Board of Health, of the existence of a nuisance prejudicial to the public health, in the towns along the rivers in the aforesaid regions, and, inasmuch as the proportions of said nuisance were to extensive as to make it impossible for the local authorities to remove and abate it, I called upon your Excellency to at once employ such means as might be necessary to effectually remove and abate the same. I have now the honor to report that this work has been brought to a successful termination. These towns have been visited, not only by the district inspectors of the board, but also by individual members of the board acting under instructions from your Excellency, and by a committee of the board itself.

The Board has sent disinfectants in considerable quantities to these places, together with printed circulars, instructing the people how to make use of them, and how, in other ways; so to cleanse their houses and grounds as to prevent disease as a result of the flood.

Your Excellency has also rendered them pecuniary aid in several instances, to enable them to carry out these instructions.

A committee of the Board has recently made a final inspection of these districts, whose reports indicates that there is no longer any occasion for outside assistance for protecting the public health.

I, therefore, in the name of the State Board of Health, declare the nuisance in these districts removed and abated, and request that no further aid be extended to them by the State.

I have the honor to be,

Your Excellency's most obedient servant,

(Signed) BENJAMIN LEE,

Secretary and Executive Officer State Board of Health and  
Vital Statistics of the Commonwealth of Pennsylvania.

Three several obligations of like date, tenor and amount were given to the Peoples' Bank of Philadelphia, of which the following is a copy:

Whereas, The health and safety of the people of this Commonwealth are threatened by the present condition of the Conemaugh and West Branch

valleys, resulting from the recent disastrous floods and collections of debris and decaying matter at Johnstown and other places along the said streams, which have been declared by the State Board of Health public nuisances and productive of diseases and mortality, and the immediate abatement and removal thereof is directed by the said board as an important sanitary measure;

And whereas, I, James A. Beaver, Governor of the commonwealth, in pursuance of the said action of the Board of Health, and at its request and under its direction in the exercise of the police power of the commonwealth, have undertaken the clearing of said streams and the abatement of said nuisances;

And whereas, There is not sufficient time to assemble the legislature in special session in order to secure appropriation for the said work, which work is absolutely necessary should be done without delay in order to preserve the health and safety of the people.

And whereas, It is necessary that there be provided at once the necessary funds to defray the proper expenses of the said work of removing the said nuisance and clearing the said streams;

And whereas, At my request, and upon the faith and in expectation that the same will be repaid as soon as the proper appropriation can be made therefor by the legislature, the People's Bank of Philadelphia has advanced to me, for said purpose the sum of one hundred thousand dollars (\$100,000), without interest, the amount now deemed immediately necessary to inaugurate and prosecute the said work;

Now, therefore, I, the said James A. Beaver, Governor of this commonwealth, do acknowledge to have received of and from the said People's Bank at Philadelphia, the said sum of one hundred thousand dollars (100,000), to and for the use of the said Commonwealth of Pennsylvania and for and on behalf of the said com-

monwealth, I do hereby acknowledge, so far as I have the power and authority so to do, its obligation to the said bank to repay the said sum of moneys so received to the said bank, or to its assigns without interest, and to be applied in the prosecution of the said public work as aforesaid, which said obligation is so incurred in the full confidence and expectation that the legislature will make the necessary appropriation therefor at its next session.

Witness my hand this thirteenth day of June, A. D. eighteen hundred and eighty-nine.

(Signed)

JAMES A. BEAVER,  
Governor of Pennsylvania.

Whereas, As a consequence of the floods which prevailed throughout the Conemaugh valley, on the 31st day of May, and 1st of June last, the destruction of life and property at Johnstown and in its vicinity were such as to practically paralyze the efforts of the community, and, as a further consequence, great masses of debris and other matter prejudicial to the public health accumulated thereabouts;

And whereas, The State Board of Health through their executive officer, Dr. Benjamin Lee, made report in reference thereto, the Executive of this Commonwealth declaring the condition of things in and about Johnstown to be a nuisance, dangerous to public health and calling upon the Executive of the Commonwealth to employ such force as was necessary to remove and abate the same;

And whereas, The Governor, on the 12th day of June, A. D. 1889, issued his proclamation based upon the report of the said board of health, declaring the drift in the Conemaugh river at Johnstown, and at other points in and about said locality a public nuisance, directing that the said nuisance be immediately abated and further directing that men and means necessary

for such purpose be immediately employed and continued at work until the said nuisance was entirely abated and the danger to public health and safety removed, and in doing this, in order to provide the funds, necessary therefor, pledging the faith of the Commonwealth of Pennsylvania;

And whereas, The said work was immediately commenced and has been continuously carried on until this time and the funds previously borrowed, for that purpose, having been exhausted;

And whereas, In the faith and expectation that the same will be repaid as soon as the proper appropriation can be made therefor by the legislature, William H. Kemble of Philadelphia, has advanced to me for the purpose herein named the sum of one hundred thousand dollars without interest, the amount now deemed necessary, to carry on the said work to final completion;

Now, therefore, I, James A. Beaver, Governor of this Commonwealth, do acknowledge to have had and received of and from the said William H. Kemble, the said sum of one hundred thousand dollars to and for the use of the said Commonwealth of Pennsylvania, and for and on behalf of the said commonwealth I do hereby acknowledge, so far as I have the power and authority so to do, its obligation to the said William H. Kemble to repay the said sum of one hundred thousand dollars so received without interest; the same to be applied in the prosecution of the said public work, as aforesaid, which said obligation is so incurred in the full confidence and expectation that the legislature will make the necessary appropriation therefor at the next session.

Witness my hand this 26th day of September, A. D. one thousand eight hundred and eighty-nine.

(Signed) JAMES A. BEAVER,  
Governor of Pennsylvania.



To the Senate Nominating Members of the State  
Pharmaceutical Examining Board.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named gentlemen to be members of the State Pharmaceutical Examining Board of the Commonwealth of Pennsylvania, for the term of five years, from the dates set opposite their names respectively, viz:

A. J. Tafel, Philadelphia, June 23, 1889.

Harry B. Cochran, Lancaster, June 23, 1890.

JAMES A. BEAVER.

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To the Senate Nominating Trustees of the Cottage  
State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania, at Hazleton.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named persons to be trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania, located at or near Hazleton, Luzerne county, for terms to compute from December 17, 1890, until superseded, viz :

James E. Roderick, Hazleton, Luzerne county.

Eckley B. Coxe, Drifton, Luzerne county.

J. I. Hollenback, Audenried, Carbon county.

Henry M. Neale, Upper Lehigh, Luzerne county.

John Markle, Hazleton, Luzerne county.



David Clark, Hazleton, Luzerne county.

S. H. Hollinger, Lansford, Carbon county.

Anthony Reilly, Hazleton, Luzerne county.

William R. Longshore, Hazleton, Luzerne county.

JAMES A. BEAVER.

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To the Assembly Transmitting the Proceedings of the Commission to Open, Compute and Publish the Returns of the Last General Election for State Treasurer.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor to transmit herewith a copy of the proceedings of the commission to open, compute and publish the returns of the last general election for State Treasurer.

JAMES A. BEAVER.

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To the Senate Nominating Trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania, at Philipsburg.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named persons to be trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania, located at Philipsburg, Cen-

tre county, for terms to compute from November 18, 1890, until superseded, viz:

William P. Duncan, Philipsburg, Centre county.

John Addams Mull, Philipsburg, Centre county.

Robert Lloyd, Philipsburg, Centre county.

Chester Munson, Philipsburg, Centre county.

John Strachan, Philipsburg, Centre county.

Edward A. Irvin, Curwensville, Clearfield county.

W. W. Betts, Clearfield, Clearfield county.

R. R. Fleming, Houtzdale, Clearfield county.

W. A. Crist, Osceola Mills, Clearfield county.

JAMES A. BEAVER.

To the Senate Nominating Trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania, at Mercer.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named persons to be trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania, located in Mercer, Mercer county, for terms to compute from December 17, 1890, until superseded, viz:

Dr. Samuel S. Davidson, Mercer, Mercer county.

C. A. Gordon, Mercer, Mercer county.

William Henlan, Sharon, Mercer county.

James P. Whitla, New Castle, Lawrence county.

J. D. Kirkpatrick, Grove City, Mercer county.

C. W. Whistler, Mercer, Mercer county.

J. T. Blair, Greenville, Mercer county.

Henry Williams, Oak Ridge Station, Armstrong county.

Eli D. Robinson, Butler, Butler county.

JAMES A. BEAVER.

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To the Senate Nominating Trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania, at Blossburg.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named persons to be trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania, located at Blossburg, Tioga county, for terms to compute from October 9, 1890, until superseded, viz:

H. J. Landrus, Antrim, Tioga county.

W. S. Nearing, Morris Run, Tioga county.

Charles Tubbs, Osceola, Tioga county.

Philip Williams, Mansfield, Tioga county.

Hugh Cunningham, Arnot, Tioga county.

Jacob Jones, Blossburg, Tioga county.

Hamilton B. Humes, Jersey Shore, Lycoming county.

John Vandyke, Canton, Bradford county.

Daniel Innes, Grover, Bradford county.

JAMES A. BEAVER.

To the Senate Nominating Trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania, at Connellsville.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named persons to be trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania, located at Connellsville, Fayette county, for terms to compute from October 9, 1890, until superseded, viz:

J. M. Reid, Connellsville, Fayette county.  
T. H. White, M. D., Connellsville, Fayette county.  
Peter Wise, Scottdale, Westmoreland county.  
G. W. Neff, M. D., Masontown, Fayette county.  
J. S. Schoonmaker, Uniontown, Fayette county.  
James Cochran, Dawson, Fayette county.  
Charles Davidson, Connellsville, Fayette county.  
D. S. Atkinson, Greensburg, Westmoreland county.  
James McGee, Mt. Pleasant, Westmoreland county.

JAMES A. BEAVER.

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To the Senate Nominating Managers of the Pennsylvania Reform School.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named persons to be managers of the Pennsylvania Reform School, for the terms set opposite their names respectively, viz:

William B. Lupton, Pittsburgh, from April 9, 1890, until first Monday of May, 1891, vice Edward Gregg, deceased.

Alexander S. Pentecost, Allegheny City, from November 11, 1890, until first Monday in May, 1893, vice John M. Neeb, resigned.

Charles W. Houston, Pittsburgh, from January 6, 1891, until first Monday of May, 1891, vice H. H. Byrem, deceased.

JAMES A. BEAVER.

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To the Senate Nominating D. J. Waller, Superintendent of Public Instruction.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, D. J. Waller, Jr., of Bloomsburg, Columbia county, to be Superintendent of Public Instruction for the term of four years from March 1, 1890.

JAMES A. BEAVER.

To the Senate Nominating Managers of the State Industrial Reformatory at Huntingdon.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named gentlemen to be managers of the State Industrial Reformatory at Huntingdon, viz:

Samuel McCamant, Tyrone, term ten years from May 15, 1890.

T. Blair Patton, Altoona, term from June 25, 1890, until May 15, 1896.

J. Hay Brown, Lancaster, term from July 29, 1890, until May 15, 1898.

JAMES A. BEAVER.

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To the Senate Nominating William H. Egle State Librarian.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, William H. Egle, of Harrisburg, Dauphin county, to be State Librarian for the term of four years, from the first Monday in February, 1890.

JAMES A. BEAVER.

To the Senate Nominating State Fishery Commissioners.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen. —

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named gentlemen to be State Fishery Commissioners for the term of three years, from the dates set opposite their names respectively, viz:

Henry C. Demuth, Lancaster, July 1, 1890.

James V. Long, Pittsburgh, July 1, 1890.

S. B. Stillwell, Scranton, July 1, 1890.

Walter L. Powell, Harrisburg, July 1, 1890.

Henry C. Ford, Philadelphia, July 1, 1890.

Louis Streuber, Erie, July 1, 1890.

JAMES A. BEAVER.

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To the Senate Nominating William Spencer Trustee of the State Hospital for Injured Persons of the Anthracite Coal Regions.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, William Spencer, of Minersville, Schuylkill county, to be trustee of the State Hospital for Injured Persons of the Anthracite Coal Regions, from September 17, 1889, until superseded.

JAMES A. BEAVER.



To the Senate Nominating Commissioners of the  
Board of Public Charities.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named gentlemen to be commissioners of the Board of Public Charities for the terms set opposite their names respectively, viz:

Thomas W. Barlow, Philadelphia, term from November 13, 1889, until November 9, 1893, vice Francis Jordan, resigned.

W. B. Gill, Philadelphia, term from June 16, 1890, until June 10, 1891, vice J. M. Shellenberger, resigned.

JAMES A. BEAVER.

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To the Senate Nominating Members of the State  
Board of Health and Vital Statistics.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named gentlemen to be members of the State Board of Health and Vital Statistics of the Commonwealth of Pennsylvania, for the term of six years, from the dates set opposite their names respectively, viz:

J. F. Edwards, M. D., Philadelphia, July 1, 1889.

S. T. Davis, M. D., Lancaster, July 1, 1889.

JAMES A. BEAVER.

To the Senate Nominating Trustees of the State Hospital for the Insane of the Southeastern District.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named gentlemen to be trustees of the State Hospital for the Insane of the Southeastern District of Pennsylvania at Norristown, for the term of three years, from the dates set opposite their names respectively, viz:

Joseph Thomas, M. D., Quakertown, July 11, 1889.

Thomas Bradley, Philadelphia, November 29, 1889.

John Slingluff, Norristown, November 29, 1889.

Ellwood M. Corson, Norristown, September 25, 1890.

Barton D. Evans, West Chester, November 15, 1890.

JAMES A. BEAVER.

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To the Senate Nominating Trustees of the Hospital for the Insane at Danville.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named gentlemen to be trustees of the State Hospital for the Insane at Danville, for the term of three years from the dates set opposite their names respectively, viz:

Gideon M. Shoop, Danville, June 9, 1890.

Timothy O. VanAlen, Danville, June 9, 1890.

Thomas Chalfant, Danville, June 9, 1890.

Mordecai W. Jackson, Berwick, June 9, 1890.

Olin F. Harvey, M. D., Wilkes-Barre, June 9, 1890.

JAMES A. BEAVER.

To the Senate Nominating Trustees of the State Lunatic Hospital at Harrisburg.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named gentlemen to be trustees of the Pennsylvania State Lunatic Hospital at Harrisburg, for the term of three years, from the dates set opposite their names respectively, viz:

Henry L. Orth, M. D., Harrisburg, April 7, 1890.

Louis W. Hall, Harrisburg, April 7, 1890.

F. Asbury Awl, Harrisburg, April 7, 1890.

James P. Wickersham, Lancaster, April 7, 1890.

Traill Green, Easton, June 16, 1890.

Charles L. Bailey, Harrisburg, June 16, 1890.

JAMES A. BEAVER.

To the Senate Nominating William B. Powell a Member of the State Board of Agriculture.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, William B. Powell, of Springboro', Crawford county, to be a member of the State

Board of Agriculture, from the fourth Wednesday of January, 1890, for the term of three years.

JAMES A. BEAVER.

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To the Senate Nominating Trustees of the State Hospital for the Insane at Warren.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named gentlemen to be trustees of the Hospital for the Insane at Warren, for the term of three years, from the dates set opposite their names respectively, viz:

George N. Parmelee, Warren, June 10, 1889.

R. B. Stone, Bradford, June 10, 1889.

T. J. Smiley, Titusville, June 10, 1889.

L. D. Wetmore, Warren, June 10, 1890.

W. H. Osterhout, Ridgway, June 10, 1890.

S. R. Mason, Mercer, June 10, 1890.

JAMES A. BEAVER.

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To the Senate Nominating Managers of the Western Pennsylvania Hospital.

Executive Chamber,  
Harrisburg, January 6, 1891.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named persons to be managers of the Western Pennsylvania Hospital,

for the term of one year from the dates set opposite their names respectively, viz:

Robert D. McGonnigle, Allegheny City, June 16, 1890.

N. P. Reed, Pittsburgh, June 16, 1890.

George F. Huff, Greensburg, June 19, 1890.

JAMES A. BEAVER.

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To the Senate Nominating Robert P. Dechert Brigadier General of the National Guard.

Executive Chamber,  
Harrisburg, January 7, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Robert P. Dechert, of Philadelphia, to be brigadier general of the National Guard of Pennsylvania, for the term of five years, from July 25, 1890.

JAMES A. BEAVER.

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To the Senate Nominating John P. S. Gobin Brigadier General of the National Guard.

Executive Chamber,  
Harrisburg, January 7, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John P. S. Gobin, of the county

of Lebanon, to be brigadier general of the National Guard of Pennsylvania, for the term of five years, from June 1, 1890.

JAMES A. BEAVER.

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To the Senate Nominating George R. Snowden  
Major General of the National Guard.

Executive Chamber,  
Harrisburg, January 7, 1891.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, George R. Snowden, of Philadelphia, to be major general of the National Guard of Pennsylvania, for the term of five years from July 25, 1890, vice John F. Hartranft, deceased.

JAMES A. BEAVER.

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To the Senate Nominating Spencer C. Gilbert a Member of the Board of Trustees of the State Lunatic Asylum at Harrisburg.

Executive Chamber,  
Harrisburg, January 15, 1891.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Spencer C. Gilbert, of Harrisburg, to be a member of the board of trustees of the

Pennsylvania State Lunatic Asylum, at Harrisburg, for the term of three years to compute from October 25, 1890.

JAMES A. BEAVER.

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To the Senate Nominating Edward A. Devlin a Magistrate for Court No. 8 of the City of Philadelphia.

Executive Chamber,  
Harrisburg, January 15, 1891.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Edward A. Devlin, to be a magistrate for court No. 8 in the city of Philadelphia, vice Robert R. Smith, deceased, until the first Monday of April, 1891.

JAMES A. BEAVER.

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To the Assembly Transmitting a Letter from Hon. Harry White Concerning the Erection of a Monument to Hon. James Wilson, Representative from Pennsylvania in the Colonial Congress, etc.

Executive Chamber,  
Harrisburg, January 15, 1891.

Gentlemen:—

I TRANSMIT HEREWITH FOR YOUR INFORMATION a letter addressed to me by Hon. Harry White, of Indiana, Pennsylvania, of the 2d instant, containing a proposition for the erection of a monument to



the Hon. James Wilson, representative from Pennsylvania in the Colonial Congress in the convention for the formation of a constitution of the United States, and also in convention for the formation of the constitution of Pennsylvania in 1790.

The warrants therein referred to were endorsed: "Pay to the order of James A. Beaver, Governor of Pennsylvania, to be turned into the state treasury," and have, in accordance with the endorsement, been handed to the State Treasurer. The commonwealth is the gainer thereby to the extent of two thousand five hundred dollars. Neither under the terms of the warrants themselves, nor under the usages of the treasury, is any interest due or payable thereon.

Your attention is respectfully called to the suggestion made by Judge White in his letter, which I cordially commend to your thoughtful and careful consideration. It is gratifying to find the men of this generation appreciating the work done for them by their predecessors, and endeavoring in some way to perpetuate the memory of those who, with signal ability, steadfastness of purpose and ardent patriotism, served their own generation and the cause of popular government for all generations.

Among the men who rendered such service for Pennsylvania, James Wilson had no superior and as a constitutional lawyer had not his equal. As opportunity offers Pennsylvania should see to it that the names of her illustrious founder, William Penn, and those of men equally great, who served her in trying emergencies, notably those of Benjamin Franklin, Robert Morris, Anthony Wayne, Thomas Mifflin and James Wilson should be remembered and perpetuated. Such an opportunity as to one of these men is afforded by the proposition of Judge White. The amount asked to be appropriated is moderate for a such a purpose.

I recommend that an appropriation of \$7,500 be made

for the erection of a statute in honor of James Wilson, to be expended under the direction of the Board of Public Grounds and Buildings, upon consultation with Hon. Harry White, whenever the additional sum of \$2,500 shall have been contributed for that purpose. This appropriation would take but \$5,000 out of the treasury, \$2,500 thereof having been contributed by Judge White by the surrender of the certificates herein before referred to. Such an appropriation would emphasize the debt which this generation owes to the men of the previous century, and would also have a tendency to stimulate a movement of like character for perpetuating the memory of men who are entitled to like honor.

JAMES A. BEAVER.

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To the Senate Nominating Joseph H. Gray a Member of the Board of Managers of the Pennsylvania Reform School at Morganza.

Executive Chamber,  
Harrisburg, January 16, 1891.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Joseph H. Gray, of Allegheny county, to be a member of the board of managers of the Pennsylvania Reform School at Morganza, vice Wilson McCandless, deceased.

JAMES A. BEAVER.

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To the Senate Nominating Jacob H. Longenecker  
Secretary of the Commonwealth.

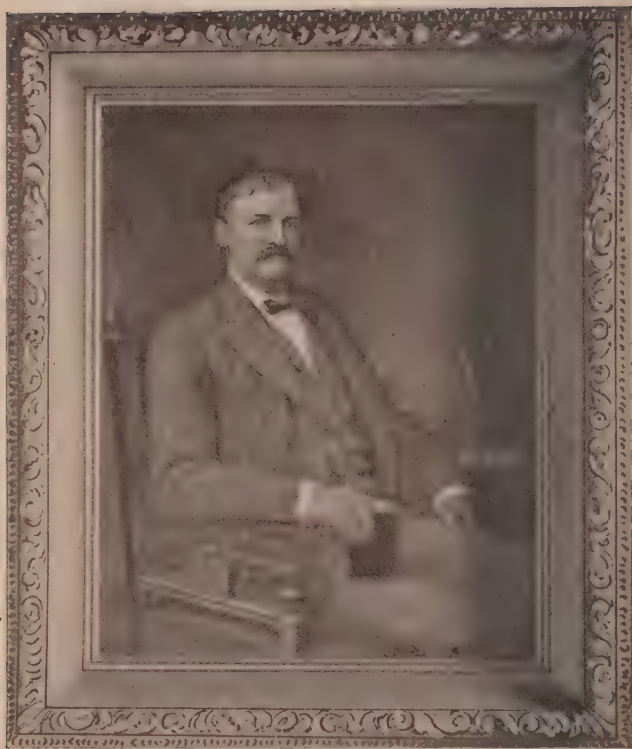
Executive Chamber,  
Harrisburg, January 19, 1891.

**I**N CONFORMITY WITH LAW, I HAVE THE  
honor hereby to nominate for the advice and con-  
sent of the Senate, Jacob H. Longenecker, of the  
county of Bedford, to be Secretary of the Common-  
wealth, vice Charles W. Stone, resigned.

JAMES A. BEAVER.







Wm. E. Patterson

ROBERT EMORY'  
PATTISON,  
Governor of the Common-  
wealth.

(Second Administration.)

1891-1895.





## Chapter III.

ROBERT EMORY PATTISON,

Governor of the Commonwealth,

(SECOND ADMINISTRATION.)

1891-1895.

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Inaugural Address to the Assembly. 1891.

Gentlemen of the Senate and House of Representatives  
and Fellow-Citizens:

Chosen by the people to undertake, for a second time, the duties of the chief executive of the commonwealth, I make use of this occasion which custom has established to declare to what end I "shall take care that the laws be faithfully executed." A deep sense of responsibility attends the assumption of this obligation. At such an hour it is meet to look to Him from whom cometh every good and perfect gift, and, with devout thanksgiving for the blessings bestowed, to seek for a continuance of his favor.

Four especially important problems confront us: First, constitutional enforcement; second, the purification of elections, involving ballot reform, personal registration and the prevention of the misuse of money in politics; third, taxation; fourth, municipal government.

The present executive will zealously strive to maintain the constitution and the laws. Our constitution as approved by the people is in many respects a model of organic law. It breathes the essential spirit of popular government through all its members. By it the general welfare is sought to be promoted. In it there

is no hostility to any interest, individual or corporate. It was drafted by a convention controlled by as noble and choice characters as ever adorned our state. Many of its important provisions are, however, unenforced, notably article 17. That article commends nothing but what is right and forbids nothing but what is wrong. It simply provides that corporations shall treat all persons fairly, impartially and justly. It prohibits unfair discrimination against persons or places. It forbids extortion. It seeks to prevent monopolies and to compel the creatures of the law, who owe their life to the people, to be law obedient. It commands that they shall not use their granted powers to harass and oppress. It also specifically directs the legislature to enforce its provisions by appropriate legislation. Surely an earnest effort should be made to give adequate effect to so wise and just a part of the fundamental law. Every power of the executive shall be exercised to enforce the constitution of the state in every article and section.

When the modern state, in the exercise of its sovereign power, created that extraordinary reality called, in the irony of the law, an artificial person, it produced a being almost omnipotent for good and for evil. To deny the great benefits conferred upon society by corporate capital would be as futile as it would be foolish. But these should not blind us to the perils connected therewith in a democratic community. Many a modern charter enables a single man to wield powers greater than were ever wielded by a mediæval king, and these powers, exercised under the broad seal of the state, may be and have been wielded notoriously to the injury of the state and of her people. The state, therefore, having created these artificial persons and clothed them with enormous powers, should protect herself and her natural children against their abuse and misuse. Before the state sanctions, either by judicial decision

or legislative act, any extension of these powers into others still more colossal, it is to be hoped that some means may be found to place them under and to prevent their becoming superior to the commonwealth, the law and the people.

#### BALLOT REFORM.

The constitution requires that all elections shall be free and equal, but such elections are not secured by existing laws. Nor is our ballot secret. Fierce political conflicts between parties have given birth here as elsewhere to many phases of corruption, to the lavish use of money by rich candidates, to fraudulent registration, to intimidation by corporations and by large employers of labor, to false counting, and to marked, altered and suppressed ballots. These political contests have revealed the existence of a purchasable element in our midst evolving all forms of ballot debauchery.

The sovereignty of the people depends for its efficiency upon the cooperate intelligence and the incorruptible integrity of the sovereign. To make sure of the former we have established our public schools; to make sure of the latter we have adopted the ballot box and have thrown around it the protection of peculiar laws. But the abolition of the viva voce vote and the adoption of the ballot have proved to be only a step toward pure elections. Now, at the ballot box the equality of all the citizens must be sacredly protected; the freeman's franchise must be preserved. But when law-abiding voters are confronted at the polls with the corrupt hirelings of leaders who scorn the law they are degraded to an equality insulting and dangerous. For the purchaser of votes is a repeater by proxy; to him the commercial and industrial interests of millions are of far less moment than his hold of power. Hence his gangs of organized ignorance and purchased vice;

hence his sneers at the decalogue of politics, his defiance of the law, his bold attempt to thwart the popular intelligence and to defeat the popular will. He is the most insidious foe to our institutions, for he aims at the overthrow of virtue, liberty and independence. Every dollar used to defeat the unbought will of the people is an attack not only upon free institutions, but upon every vested interest. When money shall be king at the American polls, money will be king at American capitols.

#### NOT A MERE LOCAL AGITATION.

It is not mere local agitation that underlies the present demand for a thorough revision of electoral methods. A great popular movement for ballot reform has set in, and fifteen states of the Union have already responded to it. All political parties in Pennsylvania have made open profession in favor of securing the most perfect attainable expression of the public will, and the only question that we now deal with concerns the most expeditious and efficient method of its accomplishment. The Australian ballot system is the best agency yet devised for purifying elections. It is neither an untested experiment nor a questionable expedient. Upward of eighty-five millions of people conduct their elections by its machinery. It is not the method of any one country or people, but finds a home wherever a free and accurate expression of conviction is desired.

Its cardinal features are:

First—Compulsory secrecy of voting.

Second—Uniform official ballots containing the names of all candidates printed under state or municipal authority.

Third—Official equality of nominations when made either by a party convention or by a paper signed by a given number of voters.

Under this system all qualified voters have equal facilities for voting and all candidates have equal facilities for receiving votes.

Wherever tried, the Australian ballot system has completely changed the aspect of the elections. It secures the tranquility, purity and freedom of choice, and there is abundant testimony that it is the best, the most rapid and facile mode of obtaining the unbiased wish and mind of the voters.

The Australian system has produced effects far wider than the mere achievement of a single reform. When opportunity is given to put honest and capable men in public office and keep them there, then is the standard of public service elevated and made worthy the honorable ambition of our best men. Ballot reform offers not only free and pure elections, but free nominations. It offers a method of nomination that is open to all, and frees us unmistakably from the rule of political bosses. I will heartily favor any well-considered legislation which will secure these or any portion of these results.

#### CONSTITUTIONAL CONVENTION.

But it is manifest that the deep-reaching and effective ballot reform for which the popular mind in Pennsylvania has been fully prepared by recent discussion must go beyond the present restrictions of the constitution. The complete advantages of what has so widely approved itself as the Australian system cannot be realized while the ballot numbering provision remains in the constitution. That provision requires each ballot to be numbered for identification. It is expressly designed for an exposure, in certain contingencies, of the contents of the ballot, while the Australian system is expressly designed to prevent such exposure in any contingency. The dependent voter will never feel the security to which he is entitled, and

which general welfare requires he should have, while the danger of exposure, even by judicial inquiry, hangs over his head. But the numbering produces other and far greater evils. It is done by the election officer, who, therefore, must handle the ballots and drop them into the box. When, again, the ballots are counted a reference to corresponding numbers on the list of voters reveals to the election officer how any and every citizen has voted.

The oath of secrecy has been found of little avail. It is systematically violated. The industrial and political boss almost invariably secures the information he desires concerning the ballot of his victim. It is for this reason, because of their long and disastrous experience under the numbering system, that the people demand its abolition and the restoration to them of their lost right to a free and unintimidated vote. The reason for the existing constitutional provision has in great measure ceased. Corruption and brutal coercion have taken the place of ballot box stuffing in our elections. To reform the abuses in question a constitutional convention is necessary. There is no reason why such a convention should not be assembled at an early day, its deliberations completed and the results submitted to the people and approved or rejected within the present year.

#### PERSONAL REGISTRATION.

Additional warrant and necessity for this are to be found in the demand for a system of compulsory personal registration. Such a system cannot be secured without an elimination from the constitution of the provision that "No elector shall be deprived of the privilege of voting by reason of his name not being registered." Like the numbered ballot clause, this provision was inserted to avoid an abuse which no longer exists, while this provision remains an obstruc-



tion to a reform now urgently needed and popularly demanded. An act of assembly may establish in Pennsylvania the official ballot, the booth secluding the voter, and the open count, all of which are important reforms; but we cannot establish compulsory registration or give to the people the one thing which they most want and are determined to have—a secret ballot—save by a constitutional convention.

#### TAXATION.

Of scarcely less importance is the equalization of the burdens of taxation. For many years there has been a well-grounded complaint against the insufficiency, the inequality, the ineffectiveness and the partiality of the tax laws of the state.

The burdens of the government should be equally shared, or at least as nearly so as human laws can contrive. Since our legislative policy is to tax property rather than persons there can be no possible excuse for selecting the houses and farms of the people to bear ten times as much of the public burdens as personal property. If things and not persons are to be taxed, common equity would dictate that the aggregate of a man's possessions, irrespective of their kind, and simply according to their value, should bear the infliction. What delinquency has real estate been guilty of that it should be thus unfairly discriminated against? It is the most productive, the most needful and the most stable form of property. It adds most to our wealth, remains always with us, shelters and sustains our people, and at once attracts, and, if justly treated, retains and multiplies population. There is a baleful vice in the form of government that inflicts a penalty upon lands and houses and makes their ownership difficult and burdensome. The farmer and householder has no right to any exemption from his fair share of the public

expense, but he has a right to just and impartial treatment that cannot be ignored except at a cost of social tranquility. The inequality referred to is patent to every eye. There is not a citizen in the commonwealth paying a tax upon his home or farm who cannot point to some neighbor owning many times as much in personal goods and idle capital who yet pays an immeasurably less amount of tax. It is useless to answer such undeniable facts by any intricate theory as to the ultimate distribution of all taxation. Such unjust discrimination is working untold evil to our people, is oppressing the poor; is exempting the rich; is day by day establishing unfortunate social distinctions that are foreign to our principles of government, destructive of the happiness and energies of men and blasting the hopes that we have all prayerfully entertained of our country becoming the home of a contented and happy people.

The state tax on corporations fills all the requirements of a subject for taxation for the support of the state government that can be uniformly assessed upon established standards of valuation, and which can be cheaply collected. The machinery for its assessment is simple and the cost of its collection is nominal. Corporate wealth is purely a creation of the state, and fitly bears the burden of its expenses; but since this and the collateral inheritance tax together produce ample revenues for the state expenses, I suggest that the revenue law be so changed that the state remit to the counties all other taxes and license charges now levied by it. Every dictate of public policy suggests that taxation be reduced to the bare needs of the government. By enforced economy the taxpayer is protected, his burdens are lessened and thrift is promoted. A revenue in excess of the actual needs of the state puts a premium on extravagance and wastefulness in legislation.

## THE REVENUE COMMISSION.

With these present sources of revenue, now wholly or in part at the service of the state, remitted to the counties, the problem will still remain of so ascertaining and adjusting the different subjects of taxation that all classes of property will bear their equal share. To this end a revenue commission, which has prosecuted its work laboriously during the past year, has presented divers reports for the consideration of the people and their representatives. I will not anticipate the discussion which must attend an examination of the several bills and plans offered, except to invoke for the whole subject thorough consideration and deliberate action, and to indulge the hope that the outcome will be a measure which will materially relieve landed property in the commonwealth from the burdens which have too long lain upon it.

The authority of the state in regulating local taxation should not, however, extend further than the constitutional requirement for the enactment of general laws to secure uniformity upon the same class of subjects within the territorial limits of the authority levying the tax.

A multiplicity of taxing officers is also vexatious and wasteful. The people demand the abolition of the office of mercantile appraisers. All mercantile taxes are levied upon subjects purely of local concern, and ought to be applied, if applied at all, for the benefit of the counties from which they are derived. In advertising mercantile taxes and in collecting delinquent mercantile taxes the state needlessly expends thousands of dollars.

## THE GOVERNMENT OF MUNICIPALITIES.

No corporations in the world are, as a rule, so helpless as the municipal corporations of America. In

Pennsylvania these bodies have a few rights guaranteed to them in the fundamental law which the legislature is bound to respect. Nearly one-half of the people of Pennsylvania live in cities. The tendency of our times has been toward the enlargement of the power of municipalities in the management of such affairs as are entrusted to their administration. An effort has been made to regulate them by general laws to the end that well-defined principles of government might pervade all our municipal charters. One great aim in this direction has been to concentrate official responsibility to the electors by vesting all power in the chief executive of the municipality. But in perfecting this theory have we not measurably lost sight of the accountability which the municipality owes to the state? All powers vested in the cities and in municipal officers are, theoretically at least, delegations from the whole people, and the state should preserve its supervisory power by regular methods to prevent possible abuses through undue concentration of power, patronage and the means of corrupt influence.

#### PHILADELPHIA'S NEW CHARTER.

The new charter of Philadelphia was granted upon the express stipulation and provision that the vast powers conferred upon its executive should be absolutely free from political interference or control, and that public officers should be trustees for the whole people, for the minority and for each individual. And yet at the last election the city employes were repeatedly assessed, upon official approval, to promote the success of the ruling party. Many of the powers of the municipality, notably that of the police, were used with virulence against the rights of the minority, which the people of the entire state are bound to protect. Would it not be wise to reserve to the commonwealth the

power to remove an official whose abuse of authority transgresses the rights of the minority or of the individual?

There has been an utter disregard of enactments prohibiting the removal of public servants for political reasons, and the inaction of the state, or, rather, its abandonment of its servants to the personal authority of party leaders, reduces independence to a dream; not for the public servants only, but for the communities which, in their turn, are overridden by them. While patronage, as recent experience has shown, does not strengthen parties, it does strengthen party leaders of a certain type; indeed, without patronage men of that type could not become leaders at all. The great defect of our municipal organization in Pennsylvania, as elsewhere, is the want of permanence of the civil service.

#### SAFETY OF PUBLIC FUNDS.

The people demand that the greatest protection be given for the safety of the public funds. The places in which the treasurer shall deposit the public moneys should be designated by law. The discretion vested in the treasurer to select the places of deposit is a dangerous one for him and the state. It subjects him to personal importunity, and admits of favoritism and abuse. The financial management of the state should be based upon plain business principles, and there is no reason why the public moneys should not be deposited in such a manner as to afford equal security and profit, with like capital of individuals.

#### APPORTIONMENT.

The constitution commands that the general assembly, "immediately after each United States decennial

census, shall apportion the state into senatorial and representative districts."

The decennial census has been taken. The constitutional period for action is at hand. There will not be a more important measure for the consideration of the assembly than that of apportionment. It touches government in its most vital parts. Fair and just representation to all sections of the state in the general assembly and in congress underlies the whole fabric of our political system. It is the corner-stone of our government. Considerations of party, of factions, of locality, or of individuals, have nothing to do with the subject of apportionment. This duty should be performed by the legislature upon uniform and just principles. There should not be one rule for one part of the state and a different rule for another. The constitution commands that the districts shall be composed of "compact and contiguous territory." This rule should be observed throughout the entire state. It is palpably violated by the present apportionment.

#### OTHER SUGGESTIONS.

In the limited range of discussion which such an occasion as the present imposes I can merely refer to a number of important matters. Among these I might include the necessity for an effective civil service in the state appointments, the substitution of salaries for fees, the inspection and regulation of state and private banks, and an extension of the power of the Auditor General so as to include within his audit all the state accounts, and the rigid enforcement of the law referring to the investment of the sinking fund money. The mining codes should be revised in such manner as will insure the payment of damages in case of injury or loss arising from the neglect or parsimony of the mine owner.

The task before us is far-reaching, comprising within its scope the whole field of material and political improvement. In administering the affairs of the commonwealth we must seek to enlarge the sources of its strength, to expand its resources, to increase its comforts and to promote its prosperity and greatness, so that the people, in harmonious progress and fulfilling a peaceful destiny, may illustrate, in the grandeur and wisdom of their self-control, and in their majestic movement toward a more perfect society, the power of a pure democracy to solve every problem that taxes the intelligence or strains the virtue of civilized humanity.

ROBERT E. PATTISON.

Harrisburg, Pa., January 20, 1891.

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To the Senate Nominating Humphrey D. Tate Private Secretary to the Governor.

Executive Chamber,  
Harrisburg, January 20, 1891.

Gentlemen:—

I HAVE THE HONOR HEREBY TO INFORM YOU that I have appointed Humphrey D. Tate, of the county of Bedford, to be private secretary to the Governor.

ROBERT E. PATTISON.

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To the Senate Nominating William F. Harrity Secretary of the Commonwealth.

Executive Chamber,  
Harrisburg, January 20, 1891.

Gentlemen:—

I IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, William F. Harrity, of the



county of Philadelphia, to be Secretary of the Commonwealth.

ROBERT E. PATTISON.

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To the Senate Nominating William U. Hensel Attorney General.

Executive Chamber,  
Harrisburg, January 20, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, William U. Hensel, of the county of Lancaster, to be Attorney General of the Commonwealth.

ROBERT E. PATTISON.

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To the Senate Nominating William McClelland Adjutant General.

Executive Chamber,  
Harrisburg, January 20, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, William McClelland, of the county of Allegheny, to be Adjutant General of the Commonwealth.

ROBERT E. PATTISON.

To the Senate Nominating John I. Rogers Judge Advocate General.

Executive Chamber,  
Harrisburg, January 28, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John I. Rogers, of the county of Philadelphia, to be judge advocate general.

ROBERT E. PATTISON.

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To the Senate Nominating Herman Osthaus General Inspector of Rifle Practice.

Executive Chamber,  
Harrisburg, January 28, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Herman Osthaus, of the county of Lackawanna, to be general inspector of rifle practice.

ROBERT E. PATTISON.

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To the Senate Nominating Chambers McKibbin Inspector General.

Executive Chamber,  
Harrisburg, January 28, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Chambers McKibbin, of the county of Allegheny, to be inspector general.

ROBERT E. PATTISON.

To the Senate Nominating Lewis W. Read Surgeon  
General.

Executive Chamber,  
Harrisburg, January 28, 1891. .

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Louis W. Read, of the county of Montgomery, to be surgeon general of the commonwealth of Pennsylvania.

ROBERT E. PATTISON.

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To the Senate Nominating Milton D. Mott Associate  
Judge for Pike County.

Executive Chamber,  
Harrisburg, January 29, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Milton D. Mott, of Pike county, to be associate judge in and for the county of Pike, until the first Monday of January, 1892, vice Hon. George W. Drake, deceased. .

ROBERT E. PATTISON.

To the Senate Transmitting A Memorial Concerning  
the Recent Mine Disaster Near Scottdale.

Executive Chamber,  
Harrisburg, February 2, 1891.

Gentlemen:—

I HAVE THE HONOR TO TRANSMIT HEREWITH  
a copy of a memorial in reference to the recent  
mine disaster near Scottdale, Pennsylvania, this  
day received by me and hereby referred to your honor-  
able body for such consideration as you may see proper  
to give thereto.

ROBERT E. PATTISON.

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Scottdale, Pa., January 29, 1891.

To His Excellency Robert E. Pattison, Governor of Pennsylvania, and the Honorable Bodies of the Senate and House of Representatives, Greeting:

Standing, as we do, by the open graves of our brothers, whose lives have been suddenly and violently taken in the frightful "Mammoth" disaster, our hearts bleeding and torn while we witness the interment of fragments of what was but recently the bodies of our comrades, we hear the orphans' wail, the widows' despairing cry, and feeling our helplessness as we do most keenly, we appeal to you to come to our aid.

Many kind appeals for aid have been issued, and to all the generous souls who appeal and respond we feel the deepest gratitude; but while we fully appreciate the timely succor which comes with true American promptness and generosity, we are fully conscious that kindness and liberality on the part of the charitable public is not all that is necessary. We accept these offerings most gladly, but appeal to your Excellency and to the honorable members of the Senate and House of Representatives to come to our aid and throw around our craftsmen the strong protecting arm of the great Keystone State, of which we are proud to be citizens, whose secret hidden treasures we cheerfully delve and dig in exchange for our daily bread.

"Prevention is better than cure" is an old axiom, and we

fully believe that it was never more true than in our case. Over one hundred and fifty thousand of our brothers daily enter the respective mines of the State. In addition to the hardships incident to working under ground, they are, in many instances, in constant danger of meeting the same fate as befell the miners at Mammoth, a fate that has shocked the entire commonwealth and the country. Many of the mines in this region are exceptionally dangerous, and as the workings are extended the dangers are multiplied. The present methods to protect life and property are altogether inadequate and frequently unreliable. The defect in our mining laws make it difficult to locate responsibility; and it is to be feared that a certain amount of carelessness is the result. In this hour of our misery, when we are face to face with the dangers and misery to which our craftsmen are exposed, we invite protection for the helpless and suffering.

We have just learned with pleasure of the prompt action taken in the appointment of a commission to investigate the matter. We would respectfully suggest that in addition to the testimony of experts, the testimony of those of long experience be taken. Theories sometime need correction. Hoping that such measures will be devised as will bring greater safety to the workmen of one of the greatest industries of this great commonwealth.

We are, in behalf of the miners of Pennsylvania, your obedient servants.

(Signed)

J. B. RAE,  
M. W. & Pres. U. M. W. of A.  
ROBERT WATCHORN,  
Sect.-Treas. U. M. W. of A.  
PETER WISE,

U. M. W.

C. M. PARKER,  
Secretary.

To the Senate Vetoing the Concurrent Resolution  
"That Our United States Senators be Earnestly  
Requested to Use Every Honorable Effort to Se-  
cure the Passage of the Federal Election Bill."

Executive Chamber,  
Harrisburg, February 2, 1891.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY APPROV-  
al, the concurrent resolution of the Senate, adopt-  
ed January 29, 1891, as follows, to wit:

"Resolved that our United States Senators be earn-  
estly requested to use every honorable effort to secure  
the passage of the federal election bill."

The twenty-sixth section of article three, of the con-  
stitution of the Commonwealth of Pennsylvania, pro-  
vides that "every order, resolution or vote, to which  
the concurrence of both Houses may be necessary (ex-  
cept on the question of adjournment) shall be presented  
to the Governor, and, before it shall take effect, be ap-  
proved by him, or, being disapproved, shall be re-pass-  
ed by two-thirds of both Houses, according to the rules  
and limitations prescribed in case of a bill."

This section is the only warrant for the presentation  
to me of the resolution herewith returned.

In the absence of any more definite information than  
is contained in the terms of the resolution, I assume  
that the measure it is intended to favor is the bill now  
pending in the United States Senate to amend and sup-  
plement the election laws of the United States—popu-  
larly known as the "force bill." I am not willing to  
give my assent to any declaration in support of that  
measure; for "it trenches on the principle of local sov-  
ereignty," which is the essence of our free government.

In the contemplation of the wise men who made the  
federal constitution, it was both impliedly and express-  
ly reserved to "the people of the several states" to

choose their representatives in congress; and their legislatures are entirely competent to "prescribe the times, places and manner of holding elections" for such representatives. There is neither public necessity nor popular demand for legislation which seeks to invade this right of the people and to transfer the choice of their representatives from state to federal regulation. The proposition to invest the executive and judicial branches of the federal government with the power to appoint agents to control the election of the legislative branch is a most pernicious and dangerous one. The device to this end, which this resolution approves, involves the expenditure of many millions of dollars and the creation of enormous official patronage; it provides for canvassers gathered at remote distances from the election districts in which their powers are to be exercised; it degrades the judiciary by making it a political appliance to perpetuate the power which appointed it; it affects the state jurisdiction over elections for state, county and districts, by authorizing federal supervisors to reject votes at such elections which, in their judgment, may be wholly or in part defective; and it invites and provokes a collision of state and federal authority. As cumbersome, inquisitorial and expensive as it is unnecessary and unconstitutional, such a plan will not tend to secure free and untrammelled suffrage.

On the contrary, it will destroy the purity and disturb the tranquility of elections; it will awaken sectional discord, breed distrust and endanger business prosperity. Sound, moral material and political considerations alike demand that such a measure should be reprobated and not encouraged. Convened as the general assembly of Pennsylvania is, to consider matters of state concern and to jealously protect the rights of its citizens, I can see no virtue in the approval of a measure which would yield to federal interference and



supervision what fairly belongs to the people of the states, and what is constitutionally guaranteed to them.

I believe that an overwhelming majority, not only of the people of the country, but of our own commonwealth, are heartily opposed to the features of this bill. It is of no consequence in this view what pledge has been made by any particular political faction, inasmuch as its foremost exponent has denied that it is a partisan measure, or that any man supporting it is actuated by a partisan purpose. Measured as a question of general public concern, there is neither justification in the origin of the bill, or any wholesome effect to be secured by its passage. Nor has it gained in popular confidence in the attempt to enact it by suppressing that freedom of debate which is so supremely important to "the perfection of legislation, the dignity of the Senate, and to civil liberty itself." I cannot, therefore, consistently or conscientiously join in a request to the Senators of Pennsylvania to favor such an enactment.

ROBERT E. PATTISON.

To the Senate Vetoing the Resolution of the Senate:

“Resolved (if the House of Representatives concur), That Ten Thousand Copies of the Governor’s Inaugural Address be Printed; Six Thousand for the Use of the House, Three Thousand for the Use of the Senate, and One Thousand for the Use of the Governor. Two Thousand of the Whole Number to be Printed in the German Language and One Thousand to be Bound in Flexible Binding.”

Executive Chamber,  
Harrisburg, February 3, 1891.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, the concurrent resolution of the Senate, providing for the printing and distribution of ten thousand copies of the Governor’s inaugural address, adopted January 26, and concurred in by the House of Representatives, January 27, 1891.

By act of assembly, approved April 16, 1887, it is provided as follows, to wit: “That from and after the passage of this act the printing, binding, distribution and number of the several public documents of this commonwealth shall be as follows, to-wit:

“1. Seven thousand nine hundred and sixty copies each of the Governor’s inaugural address, annual or biennial message; one thousand five hundred for the Senate; three thousand five hundred for the House of Representatives; twenty-four hundred for the Governor, fifteen hundred of which shall be bound in cloth; sixty for the State Librarian for distribution and exchange with the states and territories, and five hundred for reserve work.”

This is the law regulating the printing, binding, distribution and number of copies of the inaugural address—and such it must remain until amended or repealed by an act of assembly duly and legally passed.

The constitution does not authorize the amendment or repeal of a law by a concurrent resolution. It expressly provides that "no law shall be passed except by bill." A "resolution" is not a "bill."

While I appreciate the generous consideration which intended by the legislative department, in the adoption of this resolution, I am fully persuaded that "the greatest good" will be attained by a disregard of personal feelings and a strict and undeviating adherence to the mandates of the fundamental and statute laws of the commonwealth.

ROBERT E. PATTISON.

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To the Senate Nominating Henry C. Demming Quartermaster General:

Executive Chamber,  
Harrisburg, February 3, 1891.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Henry C. Demming, of Dauphin county, to be quartermaster general of the Commonwealth of Pennsylvania.

ROBERT E. PATTISON.

To the Senate Transmitting a Letter from the Director General of the World's Columbian Exposition.

Executive Chamber,  
Harrisburg, February 5, 1891.

Gentlemen:—

I HAVE THE HONOR TO TRANSMIT HEREWITH a communication received from General George R. Davis, director general of the World's Columbian Exposition, for such consideration as you may deem proper to give thereto.

ROBERT E. PATTISON.

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Chicago, Ill., January 29, 1891.

Hon. R. E. Pattison, Governor of Pennsylvania, Harrisburg,  
Pa.:

Dear Sir: I have the honor to direct your attention to the question of the erection of State buildings at the World's Columbian Exposition.

Such states as desire to erect buildings of their own will be granted a reasonable amount of space for this purpose.

Allotments of space for state buildings will be made according to priority of application, and state exposition boards desiring to erect state buildings should inform this office at the earliest practicable moment of the amount of space desired for this purpose.

Upon receipt of this information the state exposition board will be duly notified when to come to Chicago to select a site for their state building.

For the information of state exposition boards it may be stated that the cost of erecting an ordinary one-story pavilion building in Chicago approximates \$80,000 per acre.

Kindly place this letter in the hands of your exposition board when appointed, requesting said board to inform this office, as early as possible, upon the points above mentioned.

I have the honor to be,

Your obedient servant,

GEO. R. DAVIS,  
Director General.  
State of Illinois,

To the Senate Nominating Richard S. Edwards Commissary General.

Executive Chamber,  
Harrisburg, February 9, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Richard S. Edwards, Esq., of the county of Montgomery, to be commissary general of the Commonwealth of Pennsylvania.

ROBERT E. PATTISON.

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To the Senate Transmitting a Resolution of the Legislature of Illinois Concerning the World's Columbian Exposition.

Executive Chamber,  
Harrisburg, February 12, 1891.

Gentlemen:—

**I** HAVE THE HONOR TO TRANSMIT A COPY OF the resolution received from the General Assembly of the State of Illinois relative to the World's Columbian Exposition, for such consideration as you may deem proper to give thereto.

ROBT. E. PATTISON.

Thirty-Seventh General Assembly,  
House of Representatives,  
Springfield, January 21, 1891.

On this day, in open session, Hon. Jacob Miller, of Cook county arose in his place and offered the following resolution, which was adopted by a unanimous vote:

Resolved by the House of Representatives (the Senate concurring herein), That the thanks of the State of Illinois are hereby tendered to our sister states and territories for their

kind efforts to make the World's Columbian Exposition a world-famed success, and that a copy of this resolution be suitably engrossed and transmitted to the executives of the various states and territories.

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To the Senate Transmitting An Act of Congress Concerning the Apportionment of Representatives in Congress.

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, February 12, 1891.

Gentlemen:—

I HAVE THE HONOR TO TRANSMIT HERE-  
with a certified copy of an act of congress approved February 7, 1891, entitled "An act making an apportionment of representatives in congress among the several states under the eleventh census," for such consideration as it may be deemed proper for you to give it.

ROBT. E. PATTISON.

United States of America,  
Department of State.

To all to whom these presents shall come, Greeting:

I certify, that hereto annexed is a true copy of an act of Congress, approved February 7, 1891, the original of which is on file in this department, entitled "An act making an apportionment of representatives in Congress among the several states under the eleventh census."

In testimony whereof, I, James G. Blaine, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington, this tenth day of February, A. D. 1891, and the Independence of United States of America the one hundredth and fifteenth.

(Seal.)

JAMES G. BLAINE.

(Public—No. 64.)

An act making an apportionment of Representatives in Congress among the several states under the eleventh census.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the third of March, eighteen hundred and ninety-three, the House of Representatives shall be composed of three hundred and fifty-six members, to be apportioned among the several states as follows:

Alabama, nine; Arkansas, six; California, seven; Colorado, two; Connecticut, four; Delaware, one, Florida, two; Georgia, eleven; Idaho, one, Illinois, twenty-two; Indiana, thirteen; Iowa, eleven; Kansas, eight; Kentucky, eleven; Louisiana, six; Maine, four; Maryland, six; Massachusetts, thirteen; Michigan, twelve; Minnesota, seven; Mississippi, seven; Missouri, fifteen; Montana, one; Nebraska, six; Nevada, one; New Hampshire, two; New Jersey, eight; New York, thirty-four; North Carolina, nine; North Dakota, one; Ohio, twenty-one; Oregon, two; Pennsylvania, thirty; Rhode Island, two; South Carolina, seven; South Dakota, two; Tennessee, ten; Texas, thirteen; Vermont, two; Virginia, ten; Washington, two; West Virginia, four; Wisconsin, ten; Wyoming, one.

Section 2. That whenever a new state is admitted to the Union the representative or representatives assigned to it shall be in addition to the number of three hundred and fifty-six.

Section 3. That in each state entitled under this apportionment the number to which such state may be entitled in the Fifty-third and each subsequent Congress shall be elected by districts composed of contiguous territory and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of representatives to which such state may be entitled in Congress, no one district electing more than one representative.

Section 4. That in case of an increase in the number of representatives which may be given to any state under this apportionment such additional representative or representatives shall be elected by the state at large, and the other representatives by the districts now prescribed by law until the Legislature of such state in the manner herein prescribed shall redistrict such state, and if there be no increase in the number of representatives from a state the representatives thereof shall be elected from the district now prescribed by law until such state be redistricted as herein prescribed by the Legislature of said state.



Section 5. That all acts and parts of acts inconsistent with this act are hereby repealed.

Approved February 7, 1891.

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To the Senate Transmitting a Letter from the Adjutant General Concerning the Expenses of that Department.

Executive Chamber,  
Harrisburg, February 12, 1891.

Gentlemen:—

I HEREWITH TRANSMIT FOR THE INFORMATION of the members of the general assembly, a communication from Adjutant General of the state, from which it appears that, owing to the custom prevailing in that department for many years, the appropriation for the “annual current expenses” for the year ending April 13, 1891, is insufficient to pay the same, together with a deficiency arising in part from extraordinary expenses occurring during the past few years, and in part to the practice of paying and making good, out of the appropriations for the current annual expenses for the fiscal year, deficiencies arising in the preceding year.

It seems that, under the provisions of the acts of June 8, 1881, and of April 13, 1887, the appropriations for the annual current expenses of the National Guard have become effective at different dates from the date fixed for the beginning of the fiscal year in other departments of the state government, and that for certain expenses connected with this department the bills are not presented until after end of the fiscal year, as now appointed.

It also appears that no specific appropriation has

been made from year to year for the annual current expenses of the National Guard, the auditing and fiscal officers of the state having construed section forty-eight, and other provisions of the act of April 13, 1887, so that the amount fixed therein as the limit of the appropriation for this purpose, \$300,000, should be a "continuing appropriation." Under existing laws warrants are drawn by the Adjutant General directly upon this appropriation, and no record of the same appears in the office of the Auditor General.

In this connection I beg leave to call attention to the following extract from the last report of the Auditor General:

"I further call attention to and renew what is said by William P. Schell, late Auditor General, and Jerome B. Niles, late Auditor General, in their reports on the finances of the commonwealth for the years that ended November 30, 1880, and November 30, 1884, as to the impairment of the deficiency of the accounting department by the encroachments that have been made from time to time upon the well-defined system of auditing public accounts provided for in the act of March 30, 1811. This department should be what it purports to be, viz: An Auditor General's department, but it is not such when warrants for the payment of \$3,000,000 annually are drawn by persons other than the Auditor General, and the only record in the Auditor General's department of the payments made on said warrants are the warrants themselves after they have been cashed at the Treasury department."

I agree entirely with this expression of his view: That the present system of auditing public accounts should be extended to cover the Adjutant General's department; that of public schools and all other expenditures of the public money.

The appropriations for each fiscal year for any department should cover the expenses of that year only.

and no deficiencies arising in any year should be paid out of the appropriations of the succeeding year. Section sixteen, article three of the constitution directs that "no moneys shall be paid out of the treasury except upon appropriations made by law." The system of so-called "continuing appropriations" is a pernicious one, and each legislature should be permitted to determine all appropriations for the two years succeeding its session.

In view of these considerations, therefore, I recommend:

1. That the general assembly enact a bill appropriating sufficient moneys to meet and provide for the existing deficiency in the annual current expenses of the National Guard, and to meet all other expenses which may be incurred before June 1, 1891.

2. That the general assembly make a specific appropriation for the annual current expenses of the National Guard for the fiscal year beginning June 1, 1891, and for the fiscal year beginning June 1, 1892, for each year, as is provided by the act of April 13, 1887.

3. That such enactments be made by the general assembly as shall enforce the recommendations above quoted from the reports of various Auditor Generals, and that a uniform system of auditing public accounts be provided so that all warrants upon the treasury for the payment of public moneys be drawn by the Auditor General, and records of the same be made in his department.

ROBT. E. PATTISON.

Adjutant General's Office,  
Harrisburg, Pa., February 12, 1891.

To His Excellency Robt. E. Pattison, Governor of Pennsylvania:

Sir: Upon an examination of the condition of the finances of my department I find that on the 20th day of January, 1891,

When I entered upon the duties of the office there was a balance to the credit of this department of \$3,593.09 and that there was on hand of kersey and flannels, available and ready to be issued as meeting part of the annual current expenses of the next year, \$14,466.66, making a total available balance in the State treasury for the expenses of the current year ending April 13, 1891, of \$18,059.75.

I further find that certain of the current expenses for the year ending April 13, 1891, remain unpaid and unprovided for as follows:

Unpaid bills, expenses of current year, .....	\$14,378 43
Bills not yet received, for armory rent and transportation, estimated, .....	27,000 00
Bills for rifle practice, estimated, .....	17,000 00
<hr/>	
Total, .....	\$58,378 43
Balance on hand, as above, .....	18,059 75
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	\$40,318 68
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It therefore appears from the foregoing estimates that no provision exists at present for the payment of these expenses, and that the close of the fiscal year of this department there will be \$40,318.68 of annual current expenses unprovided for.

Upon examination I find that this deficiency is of no recent origin, but for a series of years the actual current expenses of this department have not been limited to the \$300,000, as provided for by the act of April 13, 1887, nor to the \$220,000 which were fixed as the limit of these expenses by the act of June 8, 1881, but that within these periods, at the end of the respective years, the following deficiencies have existed, and that the same have been paid and made good out of the appropriations for the current expenses of the succeeding years, respectively: 1885, \$26,473.39; 1886, \$15,738.97; 1887, \$21,999.20; 1888, \$33,984.89; 1889, \$97,325.90.

It has been the custom, for a number of years, to pay the rent of armories and the expenses of rifle practice, in whole or in part, out of the appropriations of the year succeeding that in which the expenses were actually incurred, for the reason that the bills for the same were frequently not presented until after the end of the fiscal year; and also that certain extraordinary expenses, such as the equipment of the Guard with new rifles, the unusual expenses of division encampments and the accumulation of ordnance stores, have been incurred during the past few years.

In my judgment, under the provisions of the act of April 13, 1887, the appropriation of \$300,000 is intended to cover the current expenses of a single year and should not be applied to the deficiency arising in any preceding year. The fiscal year of the Adjutant General's office should be made to conform with the fiscal year of the other departments, and the deficiency, at present existing, together with such other expenses as may be incurred between the present time and June 1, 1891, when the next appropriation should become effective, ought to be provided for by an appropriation.

Very respectfully,

(Signed)

WILLIAM McCLELLAND,  
Adjutant General.

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To the Senate Nominating James Young a Member of  
the State Board of Agriculture.

Executive Chamber,  
Harrisburg, Pa., February 24, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, James Young, of the county of Dauphin, to be member of the State Board of Agriculture for the term of three years.

ROBT. E. PATTISON.

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To the Senate Nominating Walter W. Greenland,  
Quartermaster General.

Executive Chamber,  
Harrisburg, March 5, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Walter W. Greenland, of Clarion county, to be quartermaster general of the Commonwealth of Pennsylvania.

ROBT. E. PATTISON.

To the Senate Nominating Trustees of the Hospital  
for the Insane at Danville.

Executive Chamber,  
Harrisburg, March 9, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named persons to be trustees of the State Hospital for the Insane at Danville, for the term of three years to compute from the 25th day of February, A. D. 1891, to wit:

D. M. Boyd, Danville, Montour county.

B. H. Detwiler, Williamsport, Lycoming county.

B. H. Throop, Scranton, Lackawanna county.

Charles S. Minor, Honesdale, Wayne county.

Olin T. Harvey, Wilkes-Barre, Luzerne county.

ROBT. E. PATTISON.

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To the Senate Nominating Trustees of the Cottage  
State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions at Connellsville.

Executive Chamber,  
Harrisburg, March 9, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named persons to be trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania, located at Connellsville, Fayette county, viz:

Dr. J. J. Singer, of Connellsville, Fayette county,  
vice J. S. Schoonmaker, resigned.

James Corrigan, of Everson, Fayette county, vice James Cochran, resigned.

ROBT. E. PATTISON.

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To the Senate Nominating Commissioners to Revise the Mine Laws and Ventilation Acts Relating to the Bituminous Coal Regions.

Executive Chamber,  
Harrisburg, March 9, 1891.

Gentlemen:—

IN CONFORMITY WITH A CONCURRENT RESOLUTION of the general assembly, approved the 24th day of February, A. D. 1891, authorizing the appointment of a commission "to revise the mine laws and ventilation acts relating to the bituminous coal regions of Pennsylvania," etc., I have the honor to inform you that I have appointed the following-named gentlemen, being competent miners, to be members of said commission, to wit:

First District—Andrew Hunt, Elizabeth, Allegheny county.

Second district—Edward Bell, Robbins Station, Westmoreland county.

Third District—Robert S. Snedden, Jackson Centre, Mercer county.

Fourth District—W. B. Wilson, Blossburg, Tioga county.

Fifth District—John Kirk, Uniontown, Fayette county.

Sixth District—James W. Kilduff, Gallitzin, Cambria county.

Seventh District—William Barker, Joint, Allegheny county.

Eighth District—John Baird, Phillipsburg, Centre county.

ROBT. E. PATTISON.



To the Senate Nominating Commissioners to Revise  
and Amend the Anthracite Mine and Ventilation  
Laws.

Executive Chamber,  
Harrisburg, March 9, 1891.

Gentlemen:—

IN CONFORMITY WITH AN ACT OF THE GENERAL assembly, approved the 27th day of February, 1891, authorizing the appointment by the Governor of a commission "to revise, amend and make such changes in the anthracite mine and ventilation laws as are deemed necessary for the better protection of life and property in and around the mines, and to provide adequate penalties for any violation of said laws," etc., I have the honor to inform you that I have appointed the following-named gentlemen to be the commissioners provided for in the said act, to wit:

Miners.

1. Martin McCormick, Dunmore, Lackawanna county (at large).
2. John P. Kearny, Archbald, Lackawanna county (First district).
3. Michael J. Gibbons, Smithville, Luzerne county (Second district).
4. Edward Williams, Peeley, Luzerne county (Third district).
5. Anthony Reilly, Hazleton, Luzerne county (Fourth district).
6. William B. Dowling, Shenandoah, Schuylkill county (Fifth district).
7. Patrick F. Brennan, Girardville, Schuylkill county (Sixth district).
8. Patrick H. Devers, Minersville, Schuylkill county (Seventh district).

Coal Operators.

1. Lewis A. Reily, 222 Walnut street, Philadelphia.

2. Thomas M. Righter, Mt. Carmel, Northumberland county.

3, William Connell, Scranton, Lackawanna county.

#### Mining Engineers.

1. John R. Hoffman, Pottsville, Schuylkill county.

2. John F. Snyder, Scranton, Lackawanna county.

#### Mine Inspectors.

1. Samuel Gay, Pottsville, Schuylkill county.

2. Hugh McDonald, Parsons, Luzerne county.

ROBT. E. PATTISON.

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#### Arbor Day Proclamation. 1891.



IN THE NAME AND BY THE  
authority of the Commonwealth  
of Pennsylvania.

#### A PROCLAMATION.

Whereas, the beautiful and useful ceremonies of Arbor Day, which was established some years since in Pennsylvania, have received the official sanction of our General Assembly, whereby the Governor is requested to appoint annually a day to be designated as Arbor Day in Pennsylvania, and to recommend by proclamation to the people, on the days named, the planting of trees and shrubbery in the public school grounds and along the public highways throughout the State.

Now, therefore, I, Robert E. Pattison, Governor of the said Commonwealth, in accordance with custom, do hereby designate and proclaim

Friday, the 10th day of April, A. D. 1891, and Friday,  
the 1st day of May, A. D. 1891,

To be observed as Arbor Days in Pennsylvania.

The selection of either of the above designated days is left to the discretion of the people in the various sections of the Commonwealth, each locality observing that day which is deemed to be most favorable on account of climatic conditions.

The rapidity with which our virgin forests are disappearing, either from wanton or careless destruction, or before the untiring axe of the energetic woodman, has caused grave questions to confront us, whose importance, from both a sanitary and economic point of view, cannot be magnified. It is the bounden duty of every citizen who is interested in the future prosperity of the State to lend his personal influence to any and every effort that has for its object the encouragement of forest culture and tree planting, not alone upon our own lands, but upon the public grounds and highways. Laws intended to encourage this commendable work have been enacted, but they will be obsolete unless revived and enforced by healthful public sentiment.

To this end I do most respectfully, yet earnestly, invoke the potential influence of the public press throughout our State, so that the people may be awakened to the importance of the question involved in the establishment of an Arbor Day.

I call upon the people to read the newspapers, periodicals, etc., treating on this important subject, so that they may bring the best thought and experience of the age to their observance of the day.

I recommend that the teachers and pupils in our schools, both public and private, set apart this day and observe it by recitations, essays, discussions and other appropriate exercises, so that the youthful mind may be impressed with the beauty and utility to be found in a flower, a twig, a tree.



Given under my hand and the Great Seal of the State this twenty-fifth day of March, in the year of our Lord, one thousand eight hundred and ninety-one, and of the Commonwealth the one hundred and fifteenth.

ROBT. E. PATTISON.

By the Governor.

Wm. F. Harrity,

Secretary of the Commonwealth.

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To the Assembly Vetoing "An Act to Validate Private Sales of Real Estate of Decedents Heretofore Made Under Authority of Orphans' Court Upon Petition of Executors or Administrators for Payment of Debts.

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, Pa., March 25, 1891.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 14, entitled "An act to validate private sales of real estate of decedents heretofore made under authority of orphans' court upon petition of executors or administrators for payment of debts."

Prior to the act of May 9, 1889, private sales of the real estate of decedents for payment of debts were not permitted. If ordered by the orphans' court or confirmed, such decrees were without authority of law and were void as against the heirs of decedent. Purchasers at orphans' court sales are always bound to take notice of a want of jurisdiction to make the decree.

This bill proposes not only to correct and to cure want of jurisdiction or other irregularities, and to confirm sales heretofore invalid, but it assumes to determine and to establish the legal effect of such confirmation by declaring that private sales heretofore made without authority of law shall be "effectual to vest in the purchasers the title of such decedents in the real estate so decreed to be so sold." "All private sales of the real estate of decedents heretofore made by virtue of decrees of the orphans' court, upon petition of executors or administrators for the payment of debts," are made subject to the retroactive operation of this statute, regardless of the considerations whether the court ordering them had jurisdiction or not, whether due notice to interested parties had or had not been given; whether or not the insufficiency of the personal estate had been shown, and despite all or any irregularities that may have invalidated the sale.

The courts of the commonwealth have again and again decided that the interest of heirs shall not be divested by orphans' court sales, public or private, without a strict compliance with the acts of assembly regulating the same. Irregular proceedings thus had give the purchaser no title and divest the heir of none. A retroactive statute which proposes to do this must be viewed with great suspicion, especially in view of the constitutional prohibition against depriving any person of his property without authority of law.

I have heretofore announced the principle governing me in passing upon such legislation, that "in all matters pertaining to property or estates, particularly decedents' estates, ex post facto laws are of dangerous tendency."

In the absence of any general pressing demand for such legislation, I am disposed to think this bill has been introduced to meet some special or local case. It might possibly, in a single instance, cure mere defects

of form and give equitable relief to some clouded title, but its terms are so general and its effects so far reaching that it would certainly be invoked in many cases to divest the legal rights of actual owners, and to transfer them to purchasers at invalid sales. If it aims to do this it is calculated to work wrong against the policy of the law, the spirit of the constitution, and the repeated decisions of the courts. If it does not effect this, then it will afford no relief that cannot be secured under existing laws through the equitable powers of the courts.

ROBT. E. PATTISON.

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To the Assembly Vetoing "A Supplement to an Act, Entitled 'An Act Regulating Boroughs,' Approved the Third Day of April, Anno Domini One Thousand Eight Hundred and Fifty-One, Empowering Boroughs to Tax Persons, Property and Occupations for General Borough Purposes."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, Pa., April 15, 1891.

Gentlemen:—

I HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 81, entitled "A supplement to an act, entitled 'An act regulating boroughs,' approved the third day of April, one thousand eight hundred and fifty-one, empowering boroughs to tax persons, property and occupations for general borough purposes."

The act to which this bill is a supplement provides a limitation to taxation in boroughs. It prescribes

that the tax for borough purposes shall not exceed one-half cent on the dollar of the valuation assessed. This bill permits an increase of the tax levy to one cent on the dollar, thereby doubling the taxing powers of every borough, under the general law, within the Commonwealth of Pennsylvania.

There are in the state seven hundred and fifteen boroughs, with an indebtedness now amounting to upwards of twenty millions of dollars. This of itself is a financial load that cannot be otherwise than burdensome. Increasing the power or authority of borough officers to impose heavier taxes upon the citizens is an invitation to greater extravagance and profligacy in the administration of local governments. No general demand has appeared for the passage of this act. Very few of the large number of boroughs affected by it have made any sign in favor of such legislation. Many protest against it; and I know of no reason, especially at a time when there is a very loud call for a reduction of taxation, to give it effect as a law.

ROBT. E. PATTISON.

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To the Assembly Transmitting a Report of the Commissioners on Unprinted Acts of Assembly.

Executive Chamber,  
Harrisburg, April 6, 1891.

Gentlemen:—

I HAVE THE HONOR HEREWITH TO TRANSMIT to the general assembly the report of the commissioners appointed under authority of the resolution of January 23, 1883, to examine and report upon the acts of assembly which had not been printed, etc., with a supplementary report of the said commissioners on the same subject.

ROBT. E. PATTISON.



To the Hon. Robert E. Pattison, Governor, etc.:

The commissioners appointed under authority of the act of January 23, 1883, to examine and report upon the acts of assembly which had not been printed, etc., respectfully report:

That as heretofore set out in their report to the Governor on December 13, 1886 (see *Legal Intelligencer*, 1887, page 18), they had made a careful examination of all the sources of information known to exist, with the result that there appeared to be more than eleven hundred acts which were practically inaccessible, even to the legal profession, and they therefore recommended the republication of the statutes at large from 1700 to 1790, "and that they be allowed to add the opinions of the royal attorneys general and the orders of the privy council in the repeal of various acts passed by the colonial assembly, and such other illustrative matter as may seem to them to appropriately belong to such publication," and submitted a draft of an act for that purpose.

The recommendation of the commissioners was approved by the legislature and carried into effect by the act of 19th May, 1887 (P. L. 129), but in adopting the suggestion the legislature extended the period to be covered by the republication from 1790 to 1800, thus adding ten years of the most active legislation in the history of the Commonwealth—that following the adoption of the constitution of 1790.

The extent of the addition thus made to the proposed republication is shown by the following figures:

The acts of assembly down to 1790, number 1,518, while those between 1790 and 1800 number 694, and being on the average much longer and more elaborate, have increased the actual amount of matter by nearly one-half.

2. The commissioners in the course of their investigations under the original resolution of 1883, gathered the materials for a preliminary text; being without funds for such purpose, the necessary expenses were generously borne by the Historical Society of Pennsylvania.

Immediately upon being authorized by the act of 1889 (P. L. 77), the commissioners acquired the materials already collected, and set about the completion of the text and the appropriate illustrative matters. Some details are necessary to the proper understanding of this part of the subject.

The preliminary text was prepared by cutting and arranging in chronological order the printed compilations of the laws issued from 1728 to 1797 and supplying deficiencies with copies from the Secretary of the Commonwealth's office and from the

printed session laws. The commissioners were governed in this course by consideration of convenience and expedition, and the natural expectation that these compilations and session laws, all of which were issued under the authority of the Legislature, as well as copies obtained from the office of record at Harrisburg, would be in the main correct. This expectation, however, resulted in a most serious disappointment. The highest authority, and as it subsequently appeared, the only secure basis for the text of a statute is the original roll signed by the legislative officers and the Governor. Such rolls were carefully preserved in the proper department from the earliest times. But their number became so great, and reference to them directly so inconvenient, that about 1760 they were transcribed into a series of books. This work was done by clerks certainly not learned in the law, and seems never to have had competent supervision. The result was that the books abound with errors on every page, and as all previous editors and compilers have relied exclusively on those books the printed copies of acts which the commissioners had used for the preliminary text were found so defective as to necessitate a careful comparison throughout with the original rolls. This laborious and exhausting work, has now been done and a text thus prepared, which for the first time presents the statutes accurately as they were enacted.

The illustrative matter directed by the act of 1887 to be included in the publication may be best understood by a statement of the course of colonial legislation. Under the charter of Pennsylvania all acts of the assembly were required to be transmitted to England for submission to the king in council within five years from their passage. In the usual course the act was referred by an order in council to a committee of the privy council on trade and plantations, and by the committee in turn to the board of trade. Here it was considered and not infrequently referred to their legal advisers or in important cases to the Attorney General. The act then retraced its way to the king in council with a recommendation for its disposition, by confirmation or repeal, or permissive confirmation by lapse of time, etc. The opinions of counsel, reports and memorials of the board of trade, etc., and the final orders in council, contain matters of the highest interest and importance in the history of the laws. The commissioners, for lack of funds, were unable to order at once a general search in the Record office at London for everything treating of the laws of Pennsylvania, but were obliged to confine their orders to

limited periods at a time. The process, at best slow and expensive, was thus made doubly tedious, but the commissioners, aided by the personal examination of one of their number, Mr. Hildeburn, while in London, believe they have now obtained copies of everything material to their work which is preserved in England. The matter thus collected amounts to nearly twelve hundred pages of manuscript, the larger part of which has hitherto been unknown to the editors and students of our laws and history.

3. The text is now prepared and fills over eight thousand folio pages, about one-third of which is printed matter and two-thirds manuscript. The final revision has been made down to 1770 and the rest is sufficiently advanced to insure its careful completion in ample time for the printer.

A portion of the text, finally revised, has been in the hands of the state printer since April, 1890, and is now partly in type.

JAMES T. MITCHELL,  
HENRY FLANDERS,  
CHAS. R. HILDEBURN.

February 25, 1891.

#### SUPPLEMENTARY REPORT.

The undersigned, two of the commissioners appointed under the act of 23d January, 1883, respectfully report:

There remains to be done the accurate printing of the text thus prepared. The act of 1887 directs that it shall be done "under the direction and supervision of the commissioners," and the commissioners are much impressed with the necessity not only for an intelligent but for a specifically trained and learned proof reading and supervision. The text as already prepared is believed to be as correct as it can be made by a single comparison, but to insure absolute accuracy the printed proofs should be read and compared with the rolls, by a person accustomed to the handling of ancient manuscripts and familiar with the handwriting of the last two centuries. The work will require nearly the entire time even of a person thus qualified. The commissioners have given their services for eight years without compensation, though their labors have been increased by one-half in amount by the extension of the period to be covered, from 1790 to 1800, and more than doubled in difficulty by the unexpected requirement of having to go to the original rolls in all cases by reason of the errors in previous editions of the laws.

It cannot be expected that anyone should give the exclusive

attention required by the rest of the work without compensation, nor could the undersigned, in view of other occupations, undertake the work at all. But their co-commissioner, Mr. Hildeburn, has done the main work of the commission heretofore, and is willing to undertake the rest. Of his wide reputation and merits as a learned and most accurate antiquarian it is unnecessary to speak now, but we desire to express in the strongest terms our confidence in his special qualifications for this task. We therefore most earnestly recommend that suitable provision be made for his compensation. Under his care, with the assistance which the undersigned, through their interest in the work, will continue to give him, we believe the publication can be completed in four years.

We submit herewith a draft of an act for the purpose above set forth, and respectfully ask its passage.

JAMES T. MITCHELL,  
HENRY FLANDERS.

Philadelphia, February 25, 1891.

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To the Senate Nominating Pulaski F. Hyatt a Trustee  
of the State Hospital for the Insane at Danville.

Executive Chamber,  
Harrisburg, April 15, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Pulaski F. Hyatt, Lewisburg, Union county, Pa., to be trustee of the State Hospital for the Insane, at Danville, Pennsylvania, until June 9, 1893, vice Timothy O. Van Allen, deceased.

ROBT. E. PATTISON.

To the Assembly Vetoing "An Act Relating to the Study and Practice of Physical Culture in the Public Schools of all the Cities of the Commonwealth."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, April 16, 1891.

Gentlemen:—

I HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 83, entitled "An act relating to the study and practice of physical culture in the public schools of all the cities of the commonwealth."

This act seeks to impose upon the school directors, boards of school control or boards of education of the public schools of all the cities of the commonwealth, the duty of providing for instruction in physical culture, including calisthenics, to all pupils in all departments of all schools, to punish any failure on the part of school boards in this respect by withholding from them their respective shares of the state appropriation of school moneys, and presumably to compel teachers to pass examination in these added branches after January 1, 1892.

I am not informed of any demand or necessity for imposing this restriction and penalty upon the various school boards of cities, nor of any reason why city school districts and no others should be subject to the operations of this bill. The school department of the commonwealth has not discovered or pointed out any occasion for such legislation. There is more requirement at present for a simplification of the modes of instruction in the public schools of the commonwealth than for onerous additions thereto. Beyond the comparatively few and simple fundamental branches required by general law, the school boards of each district are best qualified to judge of the wants of the public schools under their supervision.

As the law stands, "They shall direct what branches of learning shall be taught in each school." If successive legislatures impose additional branches upon them, the curriculum may eventually become so burdensome as to practically defeat the purpose and change the character of the public schools. Where instruction in physical culture and calisthenics is desirable and practicable, it can now be given under direction and control of the boards in the several districts. Where, for local reasons, which may seem good to them, the directors are not prepared to enforce such instruction in some departments or in some schools, I am not willing to lend my approval to any enactment which compels them to do so under the severe penalty of losing their share of the school appropriation.

The best results can be attained by permitting the widest exercise of the principle of local control which pervades the school system of our commonwealth, and by allowing the people of the various school districts to regulate their own local affairs and to prescribe the courses of study which may seem best to those whom they elect to control their schools.

ROBT. E. PATTISON.

To the Assembly Vetoing "An Act Providing for the Creation and Distribution of a Fund for the Care, Maintenance and Relief of Aged or Disabled Policemen in Cities of the Second Class in this Commonwealth."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, Pa., April 23, 1891.

Gentlemen:—

I HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 77, entitled "An act providing for the creation and distribution of a fund for the care, maintenance and relief of aged or disabled policemen in cities of the second class of this commonwealth."

The purpose of this bill is to permit cities of the second class to apply certain revenues, raised by taxation, licenses, costs, fines, penalties and sales of city property, to the care, maintenance and relief of aged or disabled policemen.

Under the language of this bill it is left to the option of any city of the second class whether or not it shall become subject to its operation.

I might with confidence rest my objections upon the broad ground that, if such a system of relief, care and maintenance is a proper one to be established by direction of the legislature, it should be extended to and imposed upon, not only all cities of the second class, but all municipalities in the commonwealth. The judicial approval of special legislation for cities by classification thereof is declared by the supreme court to be grounded upon necessity alone. Repeated notes of warning to this effect have been sounded. "The underlying principle of all the cases is that classification, with the view of legislating for either class separately,



is unconstitutional unless a necessity therefor exists—a necessity springing from manifest peculiarities clearly distinguishing those of one class from each of the other classes, and imperatively demanding legislation for each class separately that would be useless and detrimental to the other.” It will hardly be contended that there are such “manifest peculiarities” distinguishing cities of the second class from cities of the other classes as to justify such legislation for one and not for all.

With even less force can it be urged that legislation in general which becomes operative upon its subjects only at the instance of the councils of the city. I have previously said, in filing objections to bills of this character, “the fact whether a law is general or special is to be determined by the force of its operating words at the time of its passage, and cannot be made to depend upon the happening of any such contingency as the desire or action of the councils of a city, or the act of a board of county commissioners.”

Passing by these considerations, however, it will be found that by the terms of the act of June 14, 1887, entitled “An act in relation to the government of cities of the second class,” provision already exists by which the objects of this bill can be realized. It is to be found in section fifteen of the act referred to: “The city councils are hereby empowered to provide by ordinance a fund for the care, maintenance and relief of aged or disabled policemen and firemen.”

So far as legislative authority can be granted or can be effective, or so far as the same is needed, to enable cities of the second class to provide for the relief of aged or disabled policemen, it has already been granted in this act. The precise manner in which that provision is to be made, the amount and kind of revenues to be applied to it, the manner of disbursing this fund, and the organization of the board to control it, are sub-

ject for the exercise of that power of local self-government which it is important to preserve as far as possible to all the municipalities of the commonwealth. The councils of cities of the second class being already empowered to provide by ordinance for all purposes which this bill proposes to reach, I see no reason why the legislature should undertake to supplant the municipal power or to substitute a legislative enactment for an ordinance of councils. This is such an interference with and regulation of the affairs of cities as are not tolerated by the constitution. Every city of the second class ought to be left free to provide and control the fund contemplated by the act of 1887 in such manner as may be best suited to its own local conditions.

ROBT. E. PATTISON.

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To the Assembly Vetoing "An Act Providing for the Adjustment and Payment of the Claim of John E. Joos for publishing the Mercantile Appraisers' List of State Taxes in Allegheny County, for the Year One Thousand Eight Hundred and Eighty-five."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, Pa., May 12, 1891.

Gentlemen:—

I HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 67, entitled "An act providing for the adjustment and payment of the claim of John E. Joos for publishing the mercantile appraisers' list of state taxes in Allegheny county for the year one thousand eight hundred and eighty-five."

The preamble to this bill recites an alleged contract between the mercantile appraiser of Allegheny county

in 1885 and the beneficiary of this bill, for the publication of the mercantile appraisement list and the publication of the same in good faith, and further recites that the non-payment of Joos for the services "actually in good faith rendered," has been due to "a mutual mistake" of the mercantile appraiser and said Joos as to the law governing such contracts.

The report of the Auditor General for 1886 refers to this matter and points out that he had withheld payment of the bill on the ground that the list was not legally published. It seems that some question arose as to the legality of the publication, which was referred, at that time, by the Auditor General, to the Attorney General. Upon the advice of the last-named official the bill was not paid. An issue was then raised in the courts of Allegheny county and a trial had, upon which the court of Allegheny county, in an opinion, of which a copy is before me, decided that the state is "not bound to pay the relator his claim as presented." It was then presented in precisely the same form as is now set forth in the bill enacted. An appeal from that decision was taken to the supreme court, and the judgment of the lower court was affirmed "on the opinion of the learned judge of the court below."

It is now proposed by the legislature that the Auditor General, the Attorney General and State Treasurer shall be appointed a commission to inquire into this claim and pay it, if a majority of the commission shall so find. It seems to me that, after a claim has once been rejected by the Auditor General and Attorney General, and the question of its legality has been passed upon and decided by the court of common pleas and the supreme court of the commonwealth, an attempt to revive it after six years have elapsed must be viewed with great suspicion.

I, therefore, am not willing to approve this bill.

ROBT. E. PATTISON.

To the Assembly Vetoing "An Act Authorizing boroughs to Redeem Outstanding Bonds, and for that Purpose to Issue and Sell New Interest Bearing Bonds, and to Provide a Fund for the Redemption thereof."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, Pa., May 12, 1891.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 76, entitled "An act authorizing boroughs to redeem outstanding bonds and for that purpose to issue and sell new interest-bearing bonds and to provide a fund for the redemption thereof."

This act is intended to authorize an increase of taxation in boroughs. It proposes to accomplish in another form the same purpose as House bill No. 31, which met Executive disapproval for reasons stated in my message to the House of Representatives dated April 15, 1891. The present bill authorizes boroughs to refund their loans and to provide for the payment of the same by an added tax. It would permit all boroughs to levy and collect, in addition to other taxes, a tax which might, under certain circumstances, amount to as much as three and one-half mills per annum on the assessed valuation.

As I stated in my former communication to the legislature, there are in the state seven hundred and fifteen boroughs with an indebtedness now amounting to upwards of twenty millions of dollars. There has been no general demand from them for legislative authority to their councils to increase their tax rate. Many have protested against it, and the same considerations which prompted me to veto the former act, compel me to withhold my approval from the present bill.

ROBT. E. PATTISON.

To the Senate Vetoing "An Act to Validate the Private Sales of Real Estate of Decedents Heretofore Made Under Authority of Orphans' Court Upon Petition of Executors or Administrators for Payment of Debts Not of Record."

Executive Chamber,  
Harrisburg, April 15, 1891.

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 1, entitled "An act to validate the private sales of real estate of decedents hertofore made under authority of orphans' court upon petition of executors or administrators for payment of debts not of record."

This bill is almost identical with House bill No. 14, of exactly the same title, except that the last three words, "not of record," which are contained in the title of this act, were not included in the title of House bill No. 14. The text of the two bills differs only in the same respect.

I vetoed House bill No. 14, and set forth my reasons for such executive disapproval in a message to the House of Representatives, dated March 24, 1891. Upon the question whether that bill should pass, the Governor's veto to the contrary notwithstanding, there were but forty-six affirmative votes, so the question was determined in the negative.

The words added to the bill in its present form do not, in my view, materially alter its character or effect, nor do they commend it any more strongly to my approval.

I might refer a veto of the bill herewith returned simply to the consideration presented in my former message of disapproval. In justice, however, to such members of either house of the general assembly as may have voted for the present bill inadvertently, and regardless of its real meaning and effect, I venture to

again call attention to certain features of it which seem to me violative of sound principles of legislation and subversive of constitutional rights.

Throughout a long line of decisions of the supreme court, varying somewhat in the construction which they have put upon what is known as retroactive, curative, or remedial legislation, the doctrine is consistently held that all judicial sales in which jurisdiction is lacking are without authority of law—they are void and cannot be validated even by acts of the legislature.

Long ago a learned judge of the supreme court, whose opinion has been repeatedly quoted with high favor, deprecated conditions under which litigants, after being defeated in a court of justice, could in effect reverse the judgment of the highest tribunal by a legislative act without notice, without hearing and without a trial. "This," he said, "would shock the understanding of all men, and would be such an outrage on the rights of property as the people would not long endure."

From the time of the expression of that opinion down to the latest case decided by the supreme court—which decision, it is frankly proclaimed, this act of the legislature is intended to reverse—there has been no deviation from the principle that a judicial proceeding, which is void for want of jurisdiction, cannot be validated by an act of assembly.

One of the most eminent of our chief justices has declared that "In a moral or political aspect an invasion of the right of property is as unjust as an invasion of the right of personal security;" and another has said "A man's rights are not decided by due course of law, if the judgment of the courts upon them may be set aside or opened for future litigation by an act of assembly. That would be a plain violation of the due course of law, a departure from the functions of legislation and an assumption of those of jurisdiction."

Upon like high authority it has been declared that "An act of assembly cannot take the property of one man and give to another, and when it has been attempted to be done by a judicial proceeding, as a sheriff's sale, which is void for want of jurisdiction, it is not in the power of the legislature to infuse life into that which is dead—to give effect to a mere nullity. That would be essentially a judicial act—to pronounce judgment—to usurp the province of the judiciary, to forstall or reverse their decision.

These declarations of the highest judicatory, no less than the letter and spirit of the constitution and a sense of common justice, unite in affirming that "an exercise of judicial power is not within the legitimate scope of legislative functions, and when vested rights are divested by acts of that character, they will, and ought to be adjudged inoperative, null and void."

In face of these warnings, the present act assumes to determine that the title to real estate, sold by order or orphans' court, shall vest in the purchasers thereof in certain cases, regardless of whether the court ordering and confirming such sales had jurisdiction or not. It attempts to go far beyond any merely curative or remedial act which has ever been sustained by the courts; and although I feel confident it would meet with a prompt condemnation of the supreme court, I am not willing to give my assent to legislation which so manifestly transgresses the constitution and seeks to destroy rights vested under it.

ROBT. E. PATTISON.



To the Senate Transmitting the Report of the Commission to Revise and Amend the Mining and Ventilation Laws of the Anthracite Coal Regions.

Executive Chamber,  
Harrisburg, April 22, 1891.

Gentlemen:—

I HAVE THE HONOR TO TRANSMIT HERewith the report of the commission appointed to revise, amend and make changes in the mining and ventilation laws of the anthracite coal regions, which commission was appointed in pursuance of an act of the general assembly, approved the 27th day of February, A. D. 1891, together with the result of the labors of said commission, signed by a majority thereof.

Together also with a supplementary report, signed by a minority thereof, all of which is submitted to your consideration for such action as you may see fit to take.

ROBT. E. PATTISON.

To His Excellency Robert E. Pattison, Governor of Pennsylvania.

Sir: The commission appointed by your Excellency to revise, amend and make such changes in the mining and ventilation laws of the anthracite coal regions, as will secure greater safety to human life and property, in accordance with the provisions of an act of the general assembly of this commonwealth authorizing and directing the same, approved February 27, 1891, beg leave to submit herewith their report.

The commission entered upon the duties assigned, and devoted themselves diligently to the work in uninterrupted sessions, and the report attached embodies such revisions, amendments and changes as were agreed upon.

During the time allowed by the act to perform its work, the commission held its sessions at Wilkes-Barre, Scranton and Pottsville, central and representative cities in the anthracite coal regions, which was calculated to afford opportunity to the members to see the varying conditions of the coal formation, as well as to acquaint themselves with the different systems of mining practiced in the several coal fields. In many instances

it was found difficult to adopt rules suitable in one region that would be applicable in another, because of these changes in the position of the strata and character of the coal beds.

This report drawn with due respect to all the phases of the subject, and as far as was possible to organize in law the individual judgments of the members, it is believed if enacted, would form a comprehensive law for the anthracite region and admit of ready application to all the coal mines in the field.

The commission recommend the repeal of an act (number 160) to provide for the examination of miners in the anthracite region of this commonwealth, and to prevent the employment of incompetent persons as miners in anthracite coal mines, approved the 9th day of May, A. D. 1887.

For themselves the members of the commission may be permitted to add that they have laid aside the business of their respective calling, a number at no little personal service, and faithfully performed, with the ability they possessed, the duties imposed in this service.

WM. CONNELL,  
Chairman.  
JOHN R. HOFFMAN,  
Secretary.

Scranton, Pa., April 21, 1891.

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To the Senate Nominating Trustees of the State Lunatic Hospital at Harrisburg.

Executive Chamber,  
Harrisburg, Pa., April 28, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following-named persons to be trustees of the Pennsylvania State Lunatic Hospital, at Harrisburg, Pennsylvania, for the term of three years from the date set opposite their names, viz:

Robert A. Lamberton, South Bethlehem, Pennsylvania, March 19, 1891.

Samuel Small, York, Pennsylvania, March 19, 1891.

George F. Baer, Reading, Pennsylvania, until the seventh day of April, 1893, vice James P. Wickersham, deceased.

ROBT. E. PATTISON.

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To the Senate Nominating Managers of the Western  
Pennsylvania Hospital.

Executive Chamber,  
Harrisburg, Pa., April 28, 1891.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Hay Walker, Jr., of the county of Allegheny, as one of the managers of the Western Pennsylvania Hospital, for the term of one year from date, vice Nelson P. Reed, deceased.

ROBT. E. PATTISON.

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To the Senate Nominating Commissioners for the  
Promotion of Uniformity of Legislation in the  
United States.

Executive Chamber,  
Harrisburg, Pa., May 4, 1891.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Daniel Agnew, of the county of Beaver, Charles R. Buckalew, of the county of Colum-

bia, and Ovid F. Johnson, of the county of Philadelphia, to be commissioners for the promotion of uniformity of legislation in the United States, in accordance with the provisions of our general assembly, approved the 15th day of April, A. D. 1891.

ROBT. E. PATTISON.

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To the Senate Nominating Spencer C. Gilbert a Trustee of the State Lunatic Hospital at Harrisburg.

Executive Chamber,  
Harrisburg, Pa., May 4, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Spencer C. Gilbert, of the county of Dauphin, to be trustee of the Pennsylvania State Lunatic Hospital at Harrisburg, for the term of three years, to compute from October 25, 1890.

ROBT. E. PATTISON.

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To the Senate Nominating Frank L. Neall a Director of the Nautical School at Philadelphia.

Executive Chamber,  
Harrisburg, May 6, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Frank L. Neall, of the county of Philadelphia, to be director of the nautical school

at Philadelphia, for the term of six years, to be computed from the 4th day of May, 1891.

ROBT. E. PATTISON.

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To the Senate Nominating George B. Luper Insurance Commissioner.

Executive Chamber,  
Harrisburg, May 4, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, George B. Luper, of the county of Crawford, to be Insurance Commissioner of Pennsylvania, for the term of three years, from the first Monday of May, 1891.

ROBT. E. PATTISON.

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To the Senate Concerning Certain Financial Interests of the Commonwealth.

Executive Chamber,  
Harrisburg, May 7, 1891.

Gentlemen:—

**I** HAVE RECEIVED FROM THE TREASURY DEPARTMENT of the United States a draft for \$1,654,711.43, being the amount due Pennsylvania under the act of Congress of March 2, 1891.

I have deposited the same with the State Treasurer "for the uses and purposes of the act of congress, approved March, 2, 1891, and subject to the trusts imposed by the said act."

I am advised by the Attorney General that this money belongs absolutely to the Commonwealth of Pennsylvania, no part of it having been collected by direct tax from the citizens or inhabitants thereof by the United States or by the commonwealth itself. There is no probability of this fund being reduced by the payment of any claims of the character referred to in the act of congress under which the money was paid to the commonwealth; in fact, no direct payments of this money was ever made by the State of Pennsylvania to the United States. The commonwealth expended the sum of over three million dollars for the equipment of troops for the general government, and was given a credit to that amount, against which the direct tax levied against Pennsylvania, and the amount now refunded was charged. The present payment from the general government is therefore in effect a repayment to the state of the money expended in the early days of the war for arming the state and equipping the troops furnished by it. The loans and expenditures made on that account constitute, in part, the basis of whatever state debt now exists.

Of the indebtedness of the state there are \$3,059,900 of five per cent. state bonds maturing on February 1, 1892. By an examination of the following statement of the present condition of the sinking fund, as well as of its prospective operations until February 1, 1892, and its condition at that time, it will be seen that all the bonds of the state maturing on that date, can be redeemed without disturbing the present investment of \$3,300,000 sinking fund moneys in interest-bearing United States Government bonds.

#### SINKING FUND STATEMENT.

Receipts to February 1, 1892.

1891.	
April	1. Cash in sinking fund, ..... \$1,321,813 21

1020

## Papers of the Governors.

April	1.	To be assigned from general fund,.	33,333 33
July	1.	To be assigned from general fund,.	33,333 33
July	1.	Interest due on United States four per cent. bonds, .....	33,000 00
July	1.	Interest due on Allegheny Valley Railroad Company bonds, .....	45,000 00
September	1.	Interest due on United States four and one-half per cent. bonds,....	281 25
September	1.	Principal of United States four and one-half per cent. bonds, .....	25,000 00
October	1.	To be assigned from general fund,.	33,333 34
October	1.	Interest due on United States four per cent. bonds, .....	33,000 00
1892.			
January	1.	To be assigned from general fund,.	100,000 00
January	1.	Interest on United States four per cent. bonds, .....	33,000 00
January	1.	Interest on Allegheny Valley Railroad Company bonds, .....	45,000 00
January	1.	Principal of Allegheny Valley Railroad Company bond (on ac- count), .....	100,000 00
Total receipts to February 1, 1892,.....			<u>\$1,836,094 46</u>

## Disbursements to February 1, 1892.

1891.			
August	1.	Amount due as interest on public debt, .....	\$242,936 25
1892.			
February	1.	Amount due as interest on public debt, .....	242,936 25
Total expenditures to February 1, 1892,....			<u>\$485,872 50</u>

## Recapitulation.

Receipts to February 1, 1892, .....	\$1,836,094 46
Disbursements to February 1, 1892, .....	485,872 50
Balance to February 1, 1892, .....	\$1,350,221 96
If this be added the amount received from the	



Treasury Department, Washington, D. C., . . . . .	1,654,711 43
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There would be a total of, . . . . .	<u>\$3,004,933 39</u>
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Thus the sinking fund commissioners would be enabled to have cash on hand on February 1, 1892, to the amount of \$3,004,933.39, for the redemption of the \$3,059,900.00, of five per cent. state bonds which mature on that date, being within \$54,966.61 of the total amount of the bonds of the state to be redeemed at that time. The present investment of \$3,993,000 in United States government bonds (par value, \$3,300,000) need not be materially changed, if, indeed, it need be disturbed at all. The past experience of the State Treasury department has been that a considerable percentage of the holders of the bonds of the state have been, and are, dilatory in presenting them for redemption. The last report of the sinking fund commissioners (1890) shows that of prior state loans the sum of \$134,220.28 remains unpaid because of the failure or neglect of the holders thereof to present the same for payment. The whereabouts of the owners of these overdue bonds is unknown.

After the payment of the state bonds above referred to, the public debt of the commonwealth will amount to but \$8,403,270.28, to provide for which there will be in the sinking fund the United States bonds as above of the market value of \$3,993,000, and Allegheny Valley Railroad Company bonds of the value of \$1,838,000.00, making a total of \$5,831,000.

To meet the interest due upon the public debt, as well as to aid in accumulating a fund for the payment of the principal thereof, there will be periodically paid into the sinking fund the interest on the above investments and the annual sum of \$400,000.00 due under the provisions of the act of March 25, 1891. The present and prospective assets of the sinking fund will, there-

fore, be more than sufficient to pay the public debt, principal and interest, as the same matures; in fact, it is believed that the act of March 25, 1891, may then with safety be amended so as to provide for the annual assignment of but \$100,000.00 instead of \$400,000.00 out of the general revenues of the commonwealth.

If the "direct tax" money be applied as above recommended, its use will extend over a period of years and the entire state will be benefited rather than only a portion thereof, as will be the case if it be permitted to remain in the state treasury as a temptation to extravagance and possible waste. In addition, the people of the commonwealth would have the advantage of having their money yield them some return in the interest to be received from the United States bonds. Furthermore, they would be saved the payment of commissions for the sale of such bonds to meet the payment of the state loan due in February next; and the additional commissions for the purchase of other bonds in case such a course should ultimately be determined upon.

As there is no need of the retention of this large sum of \$1,654,711.43 in the general fund, and as it was originally raised by this state by the creation of at least a part of the present public debt, it is difficult to comprehend why it should not be promptly applied to the payment of that same debt rather than remain idle and unproductive in the state treasury.

The foregoing is respectfully submitted for your consideration, and in connection therewith, I earnestly recommend the general assembly to pass, without delay, appropriate legislation looking to the immediate assignment and payment of the money just received from the United States government, to wit, the sum of \$1,654,711.43 into the sinking fund. There is ample time for the passage of a bill for this purpose; and in my judgment the advantage of the adoption of such a

course will readily appear to the members of the Senate and House of Representatives as it certainly will to the people of the commonwealth.

Any attempt to appropriate this large sum of money at this late period in the session of the general assembly must necessarily be without the deliberation that should attend so important a measure. By the application of this fund to the payment of the state debt so soon falling due, the largest return to the commonwealth will be secured and the most general benefits from the money received. I am confident that such disposition of it would meet with popular approval.

ROBT. E. PATTISON.

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To the Senate Nominating John Lynch an Additional Law Judge for the Eleventh Judicial District.

Executive Chamber,  
Harrisburg, May 12, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John Lynch, of Luzerne county, to be additional law judge of the Eleventh judicial district, composed of the county of Luzerne.

ROBT. E. PATTISON.

To the Senate Nominating H. J. McAteer a Manager  
of the State Industrial Reformatory at Hunting-  
don.

Executive Chamber,  
Harrisburg, Pa., May 13, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE  
honor hereby to nominate for the advice and con-  
sent of the Senate, H. J. McAteer, of the county of  
Huntingdon, a member of the board of managers of the  
State Industrial Reformatory, located at Huntingdon,  
Pennsylvania, for the unexpired term of T. Blair Pat-  
ton, resigned, to wit: the 15th day of May, 1896.

ROBT. E. PATTISON.

To the Senate Vetoing "An Act Providing for the Election, Appointment, Qualification and Organization of the Supervisors in the Several Townships of the Commonwealth, Defining their Duties, Authorizing them to Make, Repair and Maintain Roads and Bridges, or to Give out Contracts for the Same and to Construct Highways, by Contract, Also to Levy and Collect Taxes, to Employ Labor and to Make Reports to the County Engineer; Providing also for the Election or Appointment of a County Engineer; Defining his Duties and Fixing his Salary; Prescribing the Manner of Petitioning for Road Viewers to Lay Out, Vacate, or Open Roads and Highways, and the Notices Thereof Required to be Served; Defining the Word Highways and Manner of Construction; Penalties for Violation of the Act; Directing the Secretary of Internal Affairs to Furnish Blanks for Supervisors, and to Give the State Treasurer a Statement of the Moneys Expended by the Several Townships for Roads, to Fix the Basis for the Distribution of State Appropriations."

Executive Chamber,  
Harrisburg, May 13, 1891.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT APPROVAL, Senate bill No. 72. This act increases the number alters the term and provides a new method for the election of township road supervisors, authorizes them to sub-district townships and to appoint road masters at their discretion, to purchase machinery and implements for roadmaking, to join with the supervisors of other townships in maintaining highways, creates the office of township treasurer and township collector, providing for their compensation in part by penalties imposed upon delinquent taxpayers, establishes fixed

salaries for supervisors, provides for a report of the township authorities, and accountability to the county commissioners and Secretary of Internal Affairs, establishes a special class of roads called "highways," alters the proceedings in cases of road views, and contemplates the appropriation of state moneys, to the townships of this commonwealth, without, however, making any appropriation for that purpose.

The objections to this measure seem to me to be manifold. Its purposes are so numerous and diverse as to expose it to the constitutional objection of containing more than one subject. Whatever popular demand exists for the enactment of legislation on the subject of roads and roadmaking, will certainly not be satisfied with the provisions of this bill. If they are to become effective at all, they could be made so only by liberal appropriation of state moneys, for which, as I have said, neither this bill nor any other legislation, as yet enacted, has made provision. Even if such grant were made, it is very doubtful whether the plan of distribution proposed by this bill would be equitable, satisfactory or constitutional. The basis of distribution which it proposes is the amount of road taxes collected and expended by each township for road purposes during the preceding year. This would put it entirely within the power of rich and populous rural districts, such, for example, as adjoin large cities and boroughs, to receive a large share of the state's bounty, which would be applied where, perhaps, it was least needed for the purposes of general road improvement, while remote, sparsely settled, and comparatively poor districts, where road improvements were most desired, would receive little or comparatively nothing.

Moreover, the policy and propriety of the grant of state moneys raised by general taxation, to particular districts or communities, are extremely doubtful, if not absolutely forbidden by the spirit of the constitu-

tional provisions declaring that there shall be no appropriations for benevolent purposes to any community, and that the commonwealth shall not assume the debt of any city, county, borough or township. The present enactment proposes to distribute to some of the districts of the state, for a purely local purpose—that of roadmaking—moneys which have been raised by taxation upon all the citizens of the state. The roads of the townships only are to be constructed and repaired by the aid of state money, while those of municipalities are to be provided for by local taxation. This is a discrimination wholly unwarranted by the constitution.

Furthermore, I cannot ignore the fact that this bill passed the House of Representatives by a bare constitutional majority. That majority, it is notorious, was only secured with great difficulty, and I violate no confidence in saying that since its passage in the one branch of the general assembly, a number of members, whose votes were required to make that majority, have communicated to me their opposition to and protests against the bill in its present form. Of the one hundred and three members who comprised this majority, barely one-fifth represent districts affected by the bill. It was imposed upon the communities affected by it against the votes and protests of a large proportion of their representatives.

Finally, if there were no other objections to this bill, a sufficient one would be afforded by the fact that there are at present special and local road laws, to the number of several hundred, governing as many townships of the state. If the present bill is to have any efficiency, it must result from its operation as a general road law, binding at least on all the townships of the state. The section which proposes to repeal all special and local laws inconsistent with it is not sufficient for that purpose according to the decisions of our supreme



court. If they remain, as they certainly will under the bill in its present form, it will utterly fail as a measure to secure uniformity of road law.

Other reasons forcibly suggest themselves for a disapproval of this measure, but I deem those which I have set forth as ample to justify a veto of the bill.

ROBT. E. PATTISON.

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To the Senate Vetoing "An Act Making an Appropriation to the Reading Hospital."

Executive Department,  
Office of the Governor,  
Harrisburg, May 13, 1891.

Gentlemen:—

I HEREWITH RETURN SENATE BILL NO. 222, entitled, "An act making an appropriation to the Reading Hospital." In accordance with the authority given me by section sixteen, article four of the constitution, I have disapproved one item of this bill, viz: The item appropriating two thousand dollars "for the furnishing of the new wing of the hospital and the improvements in the grounds made necessary by the construction of the new wing." I approve the item appropriating ten thousand dollars "for maintenance during the two fiscal years beginning June 1, 1891."

This is the first bill which has reached me during the present session of the general assembly, making an appropriation of money to institutions that are not under the absolute control of the commonwealth. The beneficiary of this act is one of that large class of private charities which depend, in more or less degree, upon the bounty of the commonwealth, but are not subject to its control. At the present time I can form no

idea how many appropriation bills of this class will be presented for my approval; what total amounts of appropriations they will involve; or what relation this amount will bear to the revenues of the commonwealth after the payment of its usual and ordinary expenses and the necessary appropriations to institutions absolutely under its control. I deem it proper, therefore, to improve this opportunity to present reasons for my action upon this bill, which may indicate to the legislature my attitude towards others of its class.

I have heretofore indicated my sense of the commonwealth's primary obligation to her own charitable institutions, established by her laws and controlled by her own officials. I am not willing to take any risk of the state treasury being embarrassed by approving appropriations made to private charities beyond the power of the state to take proper care of its own institutions.

The act of April 24, 1869, provides that charitable institutions, desiring to receive state aid, shall be the subject of inquiry by the board of charities, through its general agent, into the ground of such request, and the result of such inquiries is to be embraced in the annual report of this board. There is no just ground for apprehension that the board of public charities has stinted these institutions in passing their demands. Indeed, there is a widespread public feeling that the state has been and is apt to be too lavish in its grants to institutions not subject to its control. Only exceptional circumstances, in my judgment, will warrant any appropriation of money in excess of the amounts recommended by the board.

Upon an examination of the report of the board of commissioners of public charities for the year 1890, transmitted to the legislature January, 1891, I find no recommendation of an appropriation to the Reading Hospital of any moneys for the erection of new build-

ings or the improvements in the grounds. At best it is a very doubtful policy for the commonwealth to make appropriations of this character to institutions organized by individuals or associations, in the title to whose property the state can have no interest nor control. Without any such recommendation from the board of public charities I am not willing to approve a grant of moneys for that purpose.

The same authority recommends an appropriation to this hospital of seven dollars per week for each indigent patient, "provided that the total does not exceed \$3,500 per annum." In the face of this recommendation the present bill appropriates \$5,000 per annum. This consideration would justify me in entirely withholding my approval from the bill. The constitution does not permit me to reduce the amount, and I am not disposed to deny all appropriation to this hospital. But I feel it my duty, in formerly approving this bill, to express my decided convictions against the propriety of the general assembly exceeding the appropriations recommended by the board of public charities, unless for special reasons, and I desire my action in this instance to be understood as not committing me, in any event, to the approval of any future appropriation to private charity which has not received the approval of the board of public charities, or in excess of the amount which that board has recommended.

ROBT. E. PATTISON.

To the Assembly Vetoing "An Act to Provide for the Sale of Real Estate and Mining Rights of Dissolved Corporations."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, Pa., May 14, 1891.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 117, entitled "An act to provide for the sale of real estate and mining rights of dissolved corporations."

My reason for withholding my signature from this bill is that I have already, during the present session of the general assembly, approved House bill No. 58, amending the act "To enable the officers of dissolved corporations to convey real estate, held by such corporations, authorizing the court to direct the sale of such real estate on the petition of any one or more of the shareholders, approved the twenty-fifth day of June, one thousand eight hundred and eighty-five, authorizing the court to direct the sale of such real estate on the petition of any one or more of the shareholders or their legal representatives whenever requested so to do," which bill was approved the fifteenth day of April, A. D. 1891, in my judgment meets every purpose that is sought to be served by the present act.

In so far as "mining rights" are real estate, the sale of them is amply provided for by this and other existing laws. In so far as they may be considered personal property, they are subject to the same laws as govern all other personal effects of dissolved corporations. To approve the present bill so soon after the approval of an act with substantially the same object in view would only lead to future confusions, interference and conflict in the courts.

ROBT. E. PATTISON.

To the Assembly Vetoing "An Act Conferring Upon the Several Orphans' Courts of this Commonwealth Jurisdiction to Make Partition of the Lands of Which Any Person May Die Seized, whether testate or Intestate, and Confirming Certain Proceedings in Partition in Cases of Testacy."

Commonwealth of Pennsylvania,  
Executive Department,  
Office of the Governor,  
Harrisburg, May 14, 1891.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 65, entitled "An act conferring upon the several orphans' courts of this commonwealth jurisdiction to make partition of the lands of which any person may die seized, whether testate or intestate, and confirming certain proceedings in partition in cases of testacy."

This bill is in effect an amendment of or substitute for the act of May 9, 1889, entitled "An act to enlarge the jurisdiction of the orphans' court in cases of testacy," although that act is not referred to, set forth nor published.

The act of May 9, 1889, extended the jurisdiction of the orphans' court to make partition, to all cases of testacy, and seems to me to meet the requirements of every case except such as are contemplated by the retroactive provision of the second section. That undertakes to ratify partitions heretofore made, whether the court ordering the same had jurisdiction or not. For reasons twice communicated to the present general assembly in veto messages upon bills of a like character, I am unwilling to approve a bill containing such a provision.

ROBT. E. PATTISON.

To the Senate Vetoing "A Supplement to the Act Consolidating the City of Philadelphia."

Executive Chamber,  
Harrisburg, May 21, 1855.

Gentlemen:—

I HEREWITH RETURN TO THE SENATE, WITHOUT my approval, Senate bill No. 244, amending the thirteenth section of the act, entitled "A supplement to the act consolidating the city of Philadelphia," approved the 21st day of April, 1855.

Nowhere in the title of this act does there appear any indication of, or the slightest reference to, the purpose of this bill, but an examination of its text shows that its purpose is to increase the number of newspapers in which the public advertisements of the city shall be inserted. There is no demand for such an increase and no occasion for it. There is very general public complaint against the expense of public advertising under the law as it now stands. In my judgment, three newspapers are ample for the publication of local advertising, and the proposition to double this number is without sufficient merit to justify its approval, and tends in the direction of an expenditure of public moneys without any adequate return to the taxpayers upon whom the burden of raising them is laid.

ROBT. E. PATTISON.

To the Senate Vetoing "An Act to Fix the Pay of Election Officers in the County of Centre."

Executive Chamber,  
Harrisburg, May 21, 1891.

Gentlemen:—

**I** HEREWITH RETURN TO THE SENATE, WITHOUT my approval, Senate bill No. 149, entitled "An act to fix the pay of election officers in the county of Centre."

This act offends against that provision of the constitution which forbids the general assembly passing any local or special law regulating the affairs of counties. The compensation of election officers is paid by the county treasurer, of the county in which they serve, on orders to be drawn upon him by the county commissioners. The act of July 2, 1839, fixes the uniform pay of election officers in the state at \$1.50 per day. By special acts, passed before the adoption of the new constitution, their pay had been increased in certain counties of the commonwealth. If there is occasion for an increase in the pay of election officers in the state generally, it should be effected by a general law, and all counties desiring to bring themselves under it can do so by securing the repeal of their local acts, but it would be local and special legislation in its most offensive form for the legislature to undertake to fix the pay of election officers in each particular county of the state, and at different rates in the different counties. Such acts are most palpably within the prohibition of section seven, article three of the constitution.

ROBT. E. PATTISON.



To the Senate Vetoing "An Act Authorizing the Qualified Electors of the County of Delaware, at the General Elections, to Elect One Person to the Office of Prothonotary of the Court of Common Pleas, and to Elect One Other Person to Fill the Office of Clerk of the Courts of General Quarter Sessions of the Peace and Oyer and Terminer and General Jail Delivery."

Executive Chamber,  
Harrisburg, May 21, 1891.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 261, entitled "An act authorizing the qualified electors of the county of Delaware, at the general elections, to elect one person to the office of prothonotary of the court of common pleas and to elect one other person to fill the office of clerk of the courts of general quarter sessions of the peace and oyer and terminer and general jail delivery."

This is a local and special act to regulate the affairs of Delaware county. It provides for the election of two persons to fill various offices in that county which have heretofore been filled by one person.

Since the adoption of the new constitution all legislation regulating the affairs of the counties must be general. I believe that a necessity exists for some such legislation on the subject embraced in this bill. In many counties of the state the growth of population and increase of public business have necessitated a new division of the county officers and the assignment to different persons of the various functions heretofore discharged by one, but all attempts to do this in particular cases by special and local acts have been ineffectual, and bills of a like character with that under review have been vetoed by both my distinguished predecessors, Governors Hoyt and Beaver. If it is pos-

sible to frame and enact a general law which will classify the counties of the state, and provide such a division of the duties of their county officers as will meet the necessities of their increasing business. I think it would be wise legislation, but so long as the constitution in its seventh section, article two, remains as it now is, these changes cannot be effected by special and local legislation to meet the case of each particular county.

ROBT. E. PATTISON.

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To the Assembly Vetoing "An Act to Provide for the Payment of Pay Due Lieutenant Joseph A. Weible, of Company A. One Hundred and Second Regiment Pennsylvania Volunteers."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, Pa., May 21, 1891.

Gentlemen:—

**I** HEREWITH RETURN, WITHOUT MY APPROVAL, House bill No. 96, entitled "An act to provide for the payment of pay due Lieutenant Joseph A. Weible of company A. One Hundred and Second regiment Pennsylvania volunteers."

The preamble of this act recites that the beneficiary of it was commissioned second lieutenant on October 9, 1863, and served until September 3, 1864, without receiving the pay of such officer. It does not appear that these circumstances raised any claim against the State of Pennsylvania, nor that any of the services rendered by him during this period were so rendered in the military service of the commonwealth. His claim, if he has any, is against the United States government.

and the vote of a gratuity to him by the general assembly would be in direct violation of section 18, Article III of the constitution forbidding an appropriation to any person except for military services rendered to the commonwealth itself.

ROBT. E. PATTISON.

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To the Senate Nominating Charles T. George a Member of the State Pharmaceutical Examining Board.

Executive Chamber,  
Harrisburg, May 22, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Charles T. George, of Harrisburg, to be a member of the State Pharmaceutical Examining Board of the Commonwealth of Pennsylvania for the term of four years, to be computed from the 23d of June, 1891, vice H. B. Cochran, resigned.

ROBT. E. PATTISON.

To the Senate Nominating Charles F. King a Trustee of the State Hospital for Injured Persons of the Anthracite Coal Regions at Ashland.

Executive Chamber,  
Harrisburg, May 22, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Charles F. King, of Schuylkill county, to be a trustee of the State Hospital for Injured Persons of the Anthracite Coal Regions at Ashland, vice William Spencer, superseded.

ROBT. E. PATTISON.

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To the Senate Nominating R. J. Zahneiser a Trustee of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions at Mercer.

Executive Chamber,  
Harrisburg, May 22, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, R. J. Zahneiser, of Mercer county, to be a trustee of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions at Mercer, vice S. S. Davidson, resigned.

ROBT. E. PATTISON.

To the Senate Vetoing "An Act Authorizing and Directing the County Treasurer of Schuylkill County to Refund Certain Cattle Drovers, or Other Live Stock Yard Dealers in Said County, Taxes Illegally Demanded from Said Cattle Drovers or Other Live Stock or Stock Yard Dealers as Mercantile Taxes, and Paid by Them, and for Which Taxes so Refunded the State Treasurer Credit on Account of any Moneys so Paid by Said County Treasurer to the Commonwealth."

Executive Chamber,  
Harrisburg, May 22, 1891.

Gentlemen:—

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 163, entitled "An act authorizing and directing the county treasurer of Schuylkill county to refund certain cattle drovers, or other live stock yard dealers in said county, taxes illegally demanded from said cattle drovers or other live stock or stock yard dealers as mercantile taxes, and paid by them, and for which taxes so refunded the State Treasurer credit on account of any moneys so paid by said county treasurer to the commonwealth."

My objections to this bill are in part those which were stated by my distinguished predecessor, Governor Beaver, in a message dated June 4, 1887, wherein he vetoed a bill in somewhat different language but to the same general effect.

If the taxes paid to the county treasurer of Schuylkill county, which this act proposes to refund, were paid to him under a misapprehension of the law and were by him legally paid into the state treasury, no local or special law can be effective to refund them.

Any claim against the state for an over-payment of taxes should be presented to the auditing and fiscal officers in the regular and uniform way, and cases for which no sufficient remedy exists at present should be

provided for by general legislation on the subject. Moreover, the direction of this bill, that the claims it covers shall be repaid "together with lawful interest thereon," is altogether unusual if not unprecedented in claims of this character, and would in itself, to my mind, be a fatal objection and sufficient reason for withholding my approval.

ROBT. E. PATTISON.

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To the Senate Vetoing "An Act Authorizing Mathilda Gross MacConnell, of the City of Pittsburgh, in the State of Pennsylvania, to Sell and Convey in Fee Simple, Freed and Discharged from Any Trust Under the Will of Evaline Gross, Late of the City of Pittsburgh, in the County of Allegheny and State of Pennsylvania, Deceased, All the Residuary Real Property Which is Devised by the Seventh Paragraph of the Will of the Said Evaline Gross to the Said Mathilda Gross MacConnell, and Also to Cancel and Set Aside all the Trusts Arising Out of the Said Seventh Clause of Said Will in Any Way Connected with Said Residuary Real Estate."

Executive Chamber,  
Harrisburg, Pa., May 22, 1891.

Gentlemen:—

I HEREWITH RETURN, WITHOUT MY APPROVAL, Senate bill No. 86, entitled "An act authorizing Mathilda Gross MacConnell, of the city of Pittsburgh, in the State of Pennsylvania, to sell and convey in fee simple, freed and discharged from any trust under the will of Evaline Gross, late of the city of Pittsburgh, in the county of Allegheny and State of Pennsylvania, deceased, all the residuary real property

which is devised by the seventh paragraph of the will of the said Evaline Gross to the said Mathilda Gross MacConnell, and also to cancel and set aside all the trusts arising out of the said seventh clause of said will in any way connected with said residuary real estate."

I have given extended and careful consideration to the representations made in behalf of this bill by some of the parties whose interests it effects. It has been very urgently pressed upon me that the testatrix intended her devise should have a different legal effect from that which the construction of the courts has given to it. Much evidence has been laid before me to sustain this position, and learned counsel have presented able arguments on that point. An answer to all these considerations, which cannot be overcome, is to be found in the fact that the Supreme Court of Pennsylvania has passed finally and conclusively upon the question involved.

In the case of *MacConnell v. Lindsay*, reported in 131 Pa. St. 476, it was decided that the will of Evaline Gross established a valid separate use trust in Mathilda Gross MacConnell in relation to the property embraced in this act. The highest judicial tribunal of the commonwealth, after a full hearing, in a learned and exhaustive opinion, decided, without dissent from any member of the court, that it could not "make that a legal estate which according to a well-established rule of property has always heretofore been held to be an equitable separate estate only." It is now proposed to do by special legislative enactment what the court so positively said could not be done by any judicial procedure. It is frankly avowed that the purpose of the act is to strike down the trust created by the will of the testatrix, and to enable the devisee to sell, lease, mortgage or improve the property as she sees fit and also to use and dispose of the proceeds received out of



and from the alienation of said property as she chooses.

The court decided the limit of the powers which the trust instrument gave to the feme covert and her husband or both over this estate. It is now proposed to stretch them by legislative enactment beyond the terms of the will aid to break down what the court characterized as "a proper protection for a married woman not only against the power and persuasions of her husband, but against his and her own improvidence."

The very statement of the proposition seems to me to carry with it the answer. Legislative and executive aid should not be invoked to set aside clear and unmistakable judicial construction. Every interest of society demands that the construction which the courts make of a testator's will and intentions should be respected.

Moreover, other interests are involved in this case than a respect for the will of the testatrix or for the opinion of the high court which has construed it. Mrs. MacConnell has four children or may have collateral heirs whose interests are effected by this legislation. It provides for no trustee, nor any means by which the proceeds of the property shall be invested under order of court and held under the same uses and trusts as the supreme court has decided the property itself to be held.

Whatever doubt I might entertain as to the power of the legislature to thus give a different legal effect to a will from that which it has been adjudicated to have, I have no doubt as to the impropriety of legislation which disturbs and strikes down the trust without protecting the proceeds of the property for the uses to which it has been devised. When this bill first came before me I received a protest from the guardian of the minor children of Mathilda Gross MacConnell,

against its approval, based on the fact that such sales as are desired to be made can be effected under a general law, whereby the proceeds may be properly secured and the rights of the children protected. It declared "the only purpose of this act is to give Mrs. MacConnell and her husband the unfettered use of the money contrary to the intention of the donor of the trust."

A subsequent letter from the guardian withdraws this objection and expresses the opinion that as the land is unimproved, subject to the city of Pittsburgh taxes and assessments, the interest of all parties would be better subserved by permitting a sale of the land unfettered by any trusts."

The suggestion, however, contained in the protest that the rights of persons under legal disability to a large and valuable estate may be seriously and disastrously affected by striking down a trust, constrain me to disapprove this bill. Such legislation, however it might relieve a single hardship, would have a most dangerous tendency and only affords another illustration of what bad precedents are made by hard cases.

The inconveniences and temporary embarrassments which have arisen from the unexpected judicial construction placed upon the will of Mrs. Gross are somewhat mitigated by the fact that the parties interested are not wholly without remedy. In my judgment, the property involved can be sold under the act of 1853, known as "the Price act," by a trustee appointed and acting under the direction of the orphans' court; the proceeds may be substituted for the land; the income may be applied to and the principal preserved for the uses of the trust created by the will. Thus, without serious danger to any interest involved, the decision of the courts, respect for which ought to be strictly maintained, may be protected from legislative invasion.

ROBT. E. PATTISON.

To the Senate Nominating Z. X. Snyder, Superintendent of Public Instruction.

Executive Chamber,  
Harrisburg, May 27, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Z. X. Snyder, of the county of Indiana, to be Superintendent of Public Instruction, for the term of four years, to compute from the 1st day of June, A. D. 1891.

ROBT. E. PATTISON.

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To the Senate Nominating William Ross Hartshorn a Commissioner to Erect Memorial Tablets or Monuments on the Gettysburg Battlefield.

Executive Chamber,  
Harrisburg, May 27, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, William Ross Hartshorn, of the county of Clearfield, to be commissioner to erect memorial tablets or monuments to mark the position of Pennsylvania commands on the battle-field of Gettysburg, July 1st, 2d and 3d, 1863, vice Samuel Harper, deceased.

ROBT. E. PATTISON.

To the Senate Nominating George H. Welshons State  
Fishery Commissioner.

Executive Chamber,  
Harrisburg, May 26, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, George H. Welshons, of the county of Allegheny, to be State Fishery Commissioner, vice James Verner Long, of the same county, resigned.

ROBT. E. PATTISON.

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To the Senate Nominating Judges of Court of Common Pleas No. 1 of Allegheny County.

Executive Chamber,  
Harrisburg, May 26, 1891.

Gentlemen:—

**I**N CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John M. Kennedy, Samuel A. McClung and William D. Porter, of the county of Allegheny, to be judges of the court of common pleas No. 3, in and for the county of Allegheny, until the first Monday of January, A. D. 1892, and hereby designate the said John M. Kennedy to be president judge of the said court for said period.

ROBT. E. PATTISON.

Veto of "An Act to Provide for the Organization, Support and Maintenance of Associations Formed for the Protection and Saving of Human Life and of Property in Case of Fire in Cities of the First Class."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, Pa., June 1, 1891.

Gentlemen:—

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 103, entitled "An act to provide for the organization, support and maintenance of associations formed for the protection and saving of human life and property in case of fire in cities of the first class."

The main purpose of this legislation seems to be not wholly without merit. It provides for the incorporation of what is known as a salvage corps in the city of Philadelphia, prescribing that there shall be but one corps in each city, defining the purposes of such organization, and providing a general system of conducting it. The protection of life and property by this means is a laudable object and has my sympathy.

The bill further provides that such a corporation, or a majority of the members composing it, or of representatives of insurance companies doing business in the city, shall have the power to make assessments upon all organizations and agencies doing fire insurance business in such city, whether they belong to said corporation or not, and to levy and collect the same in any court of law in the State of Pennsylvania.

This feature of the bill is wholly objectionable. It delegates the sovereign power of taxation to a private corporation. It permits certain associations engaged

in a particular branch of business to organize themselves together for the purposes of their business, and to levy and assess a tax upon all other associations engaged in the same business —this, too, notwithstanding the Constitution declares, in section 20, article III, that the General Assembly shall not delegate to any special commission, private corporation or association any power to levy taxes.

In restricting the operations of this bill to cities of the first class, and in providing that there shall be created but one such organization in each city, the bill grants to a corporation exactly that special and exclusive privilege which the constitution, in Section 7, Article III, says the General Assembly shall not grant.

Other and perhaps equally forcible objections might be found to this bill, but those which I have indicated are so fundamental and comprehensive that I need not elaborate them to satisfy any reflecting mind that this bill could not be approved without an utter disregard of the constitutional limitations put upon legislation.

ROBT. E. PATTISON.

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Veto of "An Act for the Relief of Wilhelmina V. Crans,  
Widow of Samuel M. Crans."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, Pa., June 1, 1891.

Gentlemen:—

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 271, entitled "An act for the relief of Wilhelmina V. Crans, widow of Samuel M. Crans."

From the recitals of this bill, and from information which has been presented to me by very reputable persons, who have recommended its approval, it appears that Samuel M. Crans, in the early period of the war for the Union, generously, loyally and unselfishly contributed of his means for the maintenance of the families of the men who enlisted in the cause of the Union, and to the organization of military companies organized in its defense; that he died poor and left a widow helpless and dependent.

The facts of the case, as thus elicited, are very greatly to the credit of Mr. Crans, and they give to his memory, and to his surviving family, large claim upon the gratitude of the community, to private benevolence and for such public bounty as the laws of the commonwealth permit. But ever since the adoption of the constitution of 1874 it has been held, consistly with the terms of that instrument, that the General Assembly has no power to appropriate the moneys of the State in the shape of gratuities or bounties to any person, however deserving, except for "military service." There is no pretense that Mr. Crans ever rendered any such service nor even that military service was ever rendered to the Commonwealth by her husband. It is simply one of a great many cases continually occurring, in which men, in the vigor of life and the enjoyment of means, perform acts of patriotism and of benevolence, for which, under changed conditions, they are entitled to the remembrance of their fellow citizens, and even of their substantial favor. But the State cannot be the almoner of bounty, even to a deserving person of this class, nor to his family. Its moneys are collected for no such purpose, and such appropriation of them is expressly forbidden by the fundamental law. I cannot transgress that, even for so meritorious a subject as this is claimed to be.

ROBT. E. PATTISON.



Veto of "An Act Granting a Gratuity to Elmira P. Mullen, Mother of S. J. F. Mullen, Deceased, Late a Private in Company E, First Regiment National Guard of Pennsylvania."

Commonwealth of Pennsylvania,  
Executive Department.

Harrisburg, Pa., June 1, 1891.

Gentlemen:—

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 274, entitled "An act granting a gratuity to Elmira P. Mullen, mother of S. J. F. Mullen, deceased, late a private in Company E, First regiment National Guard of Pennsylvania."

This bill recites that private Mullen, during his lifetime, was granted an annuity and gratuity for wounds received while in the service of the state, and that he has since died leaving a widowed mother upon whom it is now proposed to bestow a gratuity.

On May 1, 1883, I disapproved a bill granting an annuity to the beneficiary of this act on the ground that she had done no military service to the commonwealth, and therefore her claim for its bounty fell within the inhibition of the eighteenth section of article III of the Constitution which "prohibits the appropriation of any money of the State for charitable or benevolent purposes to any person except in requital for military services."

During the session of 1885 such a bill was again passed. I again vetoed it, filing my objections in the office of the Secretary of the Commonwealth on July 1, 1885.

The same bill with a gratuity included in it, for the same beneficiary, was passed by the general assembly in 1887, and was disapproved by my distinguished predecessor, Governor Beaver, in a message to the Legis-

lature, dated May 6, 1887, in which he said, referring to the vetoes of this and similar bills by myself and Governor Hoyt; "the reasons given by him and also by his predecessors are, in my judgment, sound constitutional law. They would be precedents which I would be unwilling to disregard even if my judgment differed from theirs, but I am entirely in accord with their views of the constitution."

For the reasons so frequently reiterated I disapprove this bill.

ROBT. E. PATTISON.

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Veto of "An Act Providing for Payment of Horses  
Condemned and Killed Under the Provisions of the  
Act of June Two of One Thousand Eight Hundred  
and Eighty-seven."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, Pa., June 1, 1891.

I HEREWITH FILE IN THE OFFICE OF THE  
Secretary of the Commonwealth, with my objections thereto, House bill No. 467. This bill proposes to appropriate \$685, or so much thereof as may be necessary, to be paid to the owners of horses condemned and killed by the proper State officers to prevent the spread of contagious diseases under the provisions of the act of June 2, 1887.

A bill similar to this in its purpose, but differing somewhat in the amount appropriated, was disapproved by my distinguished predecessor, Governor Beaver, in objections filed May 25, 1889. The bill which met with his disapproval included provisions for the payment by the State for horses insured by insurance companies and killed at their suggestion in order to

prevent the spread of disease and greater consequent loss to them.

I understand the present bill does not include the value of the animals which were insured, but provides for payment to their owners for six and other horses killed to prevent the spread of glanders. It is to be presumed, and indeed I am so advised by the State Board of Agriculture that the horses thus killed by order of the State authorities were themselves affected by disease and comparatively worthless. Nevertheless the appropriation made in this bill is based upon the assumption that they were worth on an average, \$114.50. The report of the State Board of Agriculture for 1890, shows that the average price of glandered horses and mules killed under the powers of that board to deal with contagious disease, was \$12.25. The State Board of Agriculture was not a party to the appraisement of the animals killed, on which basis a special appropriation is sought by this act, and I am informed by representatives of the State Board that the appraisement made was greatly in excess of their value.

I am confirmed in this opinion by the suggestion made in the statement of objections filed by Governor Beaver, above referred to, that "In no event could any of the horses have been worth more than \$20 to \$30, and it is alleged that, as to some of them at least, the owners offered to pay a price to have them killed and properly disposed of."

Moreover, the title to the bill under consideration assumes that the horses were condemned and killed under the act of June 2, 1887. That act makes an appropriation of \$500, for the actual and necessary expense of preventing the spread of disease among domestic animals. In the absence of any information that this sum was inadequate for that purpose I cannot approve the present bill.

ROBT. E. PATTISON.

Veto of "An Act Appropriating the Sum of Fifty Dollars for the Relief of W. A. Southwell, late Treasurer of Susquehanna County, to Reimburse Him for Moneys Overpaid to the State Treasurer."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, June 1, 1891.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 669, entitled "An act appropriating the sum of fifty dollars for the relief of W. A. Southwell, late treasurer of Susquehanna county, to reimburse him for moneys overpaid to the State Treasurer."

The objections to this bill are twofold. In the first place if the amount paid into the State Treasury was the amount legally settled against the county treasury, there is a direct prohibition in the constitution (Art. III, sec. 7) against the refunding of it by a special law. In the second place, if an erroneous account was settled against the treasurer he was in possession of all the information necessary to secure a correct settlement. He had ample time within which to take an appeal or effect a resettlement. Having failed to do so, the loss he has suffered, if any, is entirely the result of his own laches, and he is not fairly entitled to legislative relief therefrom.

ROBT. E. PATTISON.

Veto of "An Act to Provide for the Arrest and Punishment of Persons Guilty of Disorderly Conduct in the Townships of this Commonwealth."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 2, 1891.

**I** HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 71, entitled "An act to provide for the arrest and punishment of persons guilty of disorderly conduct in the townships of this Commonwealth."

The title of the act in question indicates that it is to provide for the arrest and punishment of disorderly persons in the townships of the Commonwealth, but the act itself proceeds to define the offense of disorderly conduct, to provide for its punishment, and to direct that the fines and forfeits collected by virtue of the act shall be paid over to the county treasurer of the respective counties.

The subject of an act creating a new criminal offense should be more clearly defined in the title of the bill. If it is proposed to define a new offense against the criminal laws of the Commonwealth, that should be clearly done in the body of the bill as well as indicated in the title thereof. The present act fails in both respects. Besides, if the General Assembly proposes by enactment to define an offense which has not previously existed under the criminal law, I am of the opinion that the offense and its punishment should be set forth in general terms and be applicable to every part of the Commonwealth.

ROBT. E. PATTISON.

Veto of "An Act to Amend 'An Act Authorizing the State Treasurer to Refund Collateral Inheritance Tax Heretofore Paid in Error.'"

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 2, 1891.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 83, entitled "An act to amend an act, entitled 'An act authorizing the State Treasurer to refund collateral inheritance tax heretofore paid in error,' approved the twelfth day of June, one thousand eight hundred and seventy-eight."

This act proposes to extend the time within which the State Treasurer may, on satisfactory proof, refund collateral inheritance taxes erroneously paid to the register of wills of the proper county for the use of the Commonwealth. Had the bill been so drawn as to simply extend the time within which application shall be made from two years to six years after the date of payment, it might have been justly entitled to consideration, but the added provision, that such payments shall be forever open to review and refunding, upon and for six years after "discovery of erroneous payments permits the Commonwealth to be plagued with demands for such refunding practically without limitation. It would open wide the doors for importunate demands upon the fiscal officer of the Commonwealth, and imperil the public revenues to a degree which no consideration of equity to the taxpayers demands. There ought to be a fixed and definite period—whether it be two years or six—from the time of payment into the State treasury, after which no demand for refunding shall be entertained.

ROBT. E. PATTISON.

Veto of "An Act to Encourage the Raising of Horses, Mules, Cattle, Sheep and Swine, and to Regulate Fences Within the County of Elk."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 2, 1891.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 680, entitled "An act to encourage the raising of horses, mules, cattle, sheep and swine, and to regulate fences within the county of Elk."

The purpose of this bill is to create a special fence law for Elk county and in certain cases in that county to take away from defendants a defense in actions for damages which would avail in other counties of the State. However exceptional the local conditions may be which call for such legislation, it has been repeatedly declared in executive vetoes that all such special and local legislation is expressly prohibited by the constitution.

ROBT. E. PATTISON.

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Veto of "An Act to Confer Upon the Board of Public Education in Cities of the First Class, Power to Sell Public School Property Whenever Said Board of Public Education Shall Deem it Expedient to do so, and to Provide for the Application of the Proceeds from the Sale Thereof to School Purposes."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 8, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 144, entitled "An act to confer upon the board of public education in cities of the first class



power to sell public school property whenever said board of public education shall deem it expedient to do so, and to provide for the application of the proceeds derived from the sale thereof to school purposes."

This bill proposes to bestow upon the board of public education the power of disposing of property belonging to the municipality of Philadelphia, and to permit the board of public education to convey real estate purchased by the municipality and held for school purposes. This would be at variance with the ordinary system of reposing the title and power and right to sell, dispose of and alien municipal property in one authority exclusively. The effect of the bill, in my judgment, would be confusion and disorder in municipal affairs. I am constrained, therefore, to withhold my approval from it.

ROBT. E. PATTISON.

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Veto of "An Act Defining and Declaring the Meaning of the Words 'Surviving Members' and 'Assessment Plan,' Wherever they Appear in the Laws of Pennsylvania Relating to Insuring Lives on the Plan of Assessments and Upon Surviving Members, or to Life Insurance on the Assessment Plan."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, Pa., June 8, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 105, entitled "An act defining and declaring the meaning of the words 'surviving members' and 'assessment plan,' wherever they appear in

the laws of Pennsylvania relating to insuring lives on the plan of assessments and upon surviving members, or to life insurance on the assessment plan."

So much of this bill as declares what the laws of Pennsylvania mean, relates to a subject that is exclusively for the Courts of the Commonwealth. It is their function to construe and interpret the statutes. The latter portion of the act seems to accord with what the courts have decided to be the liabilities of members or policy-holders. So far as the provisions of the act are consistent with the decisions of the court, legislation is unnecessary; so far as they vary from the effect of the legal decisions, they are incompetent to alter past contracts, and future contracts should be made regardless of what has been decided to be the legal principles governing such contracts.

ROBT. E. PATTISON.

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Veto of "An Act to Make Provision for the Prevention of Mental Disorders."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, June 8, 1891.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 295, entitled "An act to make provisions for the prevention of mental disorders."

The title of this bill in no manner indicates its contents. So far as they are intended to permit the management of state institutions to extend their operations to all meritorious cases, there is no occasion for this legislation; so far as they are intended to interfere with and disturb the orderly management of these

institutions, the bill is without justification. In no event should the hospitals exclusively under the control of the State, be subject to any uses inconsistent with the purposes of their establishment.

ROBT. E. PATTISON.

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Veto of "An Act Authorizing and Empowering Cities in this Commonwealth to, by Ordinance, Regulate and Suppress the Production and Emission of Smoke from Bituminous Coal, and to Provide Penalties for Violation Thereof."

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, Pa., June 8, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 195, entitled "An act authorizing and empowering cities in this Commonwealth to, by ordinance, regulate and suppress the production and emission of smoke from bituminous coal, and to provide penalties for violation thereof."

I know of no reason why the particular express authority which this bill seeks to vest in the cities of this Commonwealth should be provided for by legislative enactment. All the cities of this Commonwealth have already the right, power and authority to regulate their own internal affairs, and by the exercise of their inherent police powers to prevent practices noxious to public health and safety. Moreover, the people of each community have protection in the law and equity from public nuisances, which they may enforce and secure by the regular and ordinary process of law. I regard the bill as wholly superfluous for any salutary and

needful purposes, and if it is intended to effect any other it ought not to be allowed to become a law.

ROBT. E. PATTISON.

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Veto of "An Act to fix the Number and Eligibility of Select and Common Councilmen in Cities of the First Class."

Commonwealth of Pennsylvania,  
Executive Chamber,  
Harrisburg, Pa., June 8, 1891.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 390, entitled "An act to fix the number and eligibility of select and common councilmen in cities of the first class."

The purpose of this bill is to diminish the representation in common councils in the city of Philadelphia, increasing the basis of representation by enlarging two-fold the ratio. Inasmuch as the common councils is the popular branch of the legislative department of the city government, I can see no merit in the proposition which tends to diminish the representation of the electors. Moreover, the basis of representation provided in this bill is the number of names on "the assessor's list." I know of no system of representation which makes this list the basis from which to compute the number of representatives. Experience has shown that the assessor's list is not a fair indication of population, of the number of electors or of the taxables. It may be grossly swelled by the addition of fictitious names or contracted by the omission of names which should be on it, or it may be greatly diminished by neg-

lect on the part of the assessor. I am apprehensive that this law would operate viciously and I know of no popular demand to justify its approval. It changes very materially the system of representation for a municipal government, affecting over a million of people, and such radical changes should not be made in their government without at least ample opportunity for a discussion of the proposition and for some expression of their wishes in the matter.

ROBT. E. PATTISON.

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Veto of "An Act to Create a Board of Revision of Taxes for the Purpose of Promoting a More Certain and Equal Assessment of Taxes in all Counties Containing Over Five Hundred Thousand Inhabitants, Together with all Counties that May Hereafter Attain to Five Hundred Thousand Inhabitants."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 8, 1901.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 141, entitled "An act to create a board of revision of taxes for the purpose of promoting a more certain and equal assessment of taxes in all counties containing over five hundred thousand inhabitants, together with all the counties that may hereafter attain to five hundred thousand inhabitants."

There are three objections to this bill, any one of which would, in my judgment be fatal even if various others of hardly less weight could not be found.

1. It authorizes the appointment of three new officials in counties where it is to operate at an annual

salary of three thousand dollars, each to perform certain duties which now comprise only a small portion of the duties of the office of county commissioner, and which, I believe, are performed without any serious complaint that they are burdensome or ill required.

2. In creating a new office to which are to be transferred duties pertaining to that of county commissioner, the legislature has established what is unmistakably a "county office" enlarging the class defined in section 1, art. XIV of the constitution. In investing the courts of the county with the right of filling this office by appointment, the General Assembly has ignored the section of the same article which says "county officers shall be elected at the general elections," not appointed by the courts.

3. This act regulates "the affairs of counties" but relates at most to two, and practically to a single one of the sixty-seven counties of the state. It is therefore "special and local," and is directly in conflict with the constitution.

ROBT. E. PATTISON.

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Veto of "An Act Repealing 'An Act Authorizing Certain Commissioners Therein Named to Review and Relay Out Parts of the Edgemont Great Road in Delaware County; Relative to the Estate of William Wollerton, in Chester County, and Relative to Tax on Dogs in Said County.'"

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 9, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 426, entitled "An act repealing an act, entitled 'An act authorizing certain commissioners

therein named to review and relay out parts of the Edgemont great road in Delaware county; relative to the estate of William Wollerton in Chester county, and relative to tax on dogs in said county,' approved March twenty-fourth, Anno Domini one thousand eight hundred and fifty-one, so far as the same relates to the township of West Vincent."

This act was intended, so far as its purpose may be gleaned from its title, to repeal a local law. An examination of its text, however, shows that the draughtsman entirely failed to express such idea in the body of the bill. It "extends" certain provisions of an act to certain districts in Chester county, without setting forth any such purpose in its title, and although it does not seem to have been the purpose to so extend them at all, and what it is intended to repeal does not appear. Indeed, through some carelessness or mistake in transcribing the bill as it comes to the Executive, is wholly uncertain and meaningless.

ROBT. E. PATTISON.

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Veto of "An Act to Amend 'An Act Relating to Registers and Registers' Courts,' Providing for the Appointment of an Additional Deputy Register, and Fixing the Salaries of Deputy Registers in the Counties in Which Separate Orphans' Courts are Established."

Executive Department,  
Commonwealth of Pennsylvania,  
Harrisburg, Pa., June 8, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth. Senate bill No. 180, entitled "An act to amend section four of an act, entitled 'An act relating to reg-



isters and registers' courts,' approved the fifteenth day of March, one thousand eight hundred and thirty-two, providing for the appointment of an additional deputy register and fixing the salaries of deputy registers in the counties in which separate orphans' courts are established."

This bill creates the office of additional deputy register at a salary of \$2,500.00 per annum, to be in effect by the respective counties wherever a separate orphans' court is established. I am advised, and have reason to believe that some inconvenience results from the present provisions restricting the register in Philadelphia to a single deputy; but I do not feel justified in approving legislation creating this additional office in counties where it is not needed, in order to obviate a personal inconvenience in a county where it is conceded the remuneration of the office is a most generous compensation for strict and exclusive attention to its duties.

ROBT. E. PATTISON.

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Veto of "An Act Authorizing and Regulating the Taking, Use and Occupancy of Public Burial Places in Cities of the Third Class, Under Certain Circumstances, for Purposes of Common School Education."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 9, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 208, entitled "An act authorizing and regulating the taking, use and occupancy of pub-

lic burial places in cities of the third class under certain circumstances for purposes of common school education."

This act so enlarges the right of school districts in third-class cities as to permit them to take, use and occupy for school purposes ground used for a public burial place. There are two serious objections to this legislation. It removes from places of public sepulture a protection which the law in its wisdom has heretofore thrown around them and breaks it down in the special interest of school boards. I see no sound public reason for this and have been informed of no popular demand for thus abolishing the safeguards that have been erected around the resting places of the dead. To them such sanctity has always attached that they have been exempted from the operations of the right of eminent domain as conferred upon public or private corporations. Moreover, the act is special and local in that it is limited in its operation to cities of the third class, classification for purposes not recognized nor warranted by the decision of the Supreme Court on the subject of municipal classification for purposes arising out of necessity.

ROBT. E. PATTISON.

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Veto of "An Act for the Formation, Incorporation and Regulation of Firemen's Relief Association."

Commonwealth of Pennsylvania,

Executive Department,

Harrisburg, Pa., June 11, 1891.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 173, entitled "An act for the formation, incorporation and regulation of Firemen's Relief Association."

This act proposes to provide for the formation, incorporation and regulation of Firemen's Relief Associations. The policy of the State, as inaugurated by the act of 1874, has been to divide corporations into two classes, and to direct that those not for profit shall be chartered by the law judges of the respective counties, and that all corporations thus created shall have certain general powers, among them being the right to make by-laws for their own government. Under this policy and system of classification, the courts of the Commonwealth are already authorized to charter corporations "for the maintenance of a society for beneficial or protective purposes to its members from funds collected therein" and also "for the support of fire engine, hook and ladder, hose or other companies for the control of fire." If the objects aimed at by the corporations intended to be chartered under this act do not fall within one or the other of these classes, all the purposes of this legislation can be secured in an orderly way by adding to section second of the General Corporation Act and to the corporations not for profit, another clause. The present bill, however, is loaded up with a complete outfit of by-laws for the corporations which provides for, and in all aspects is a departure from the general system of legislation for the creation of corporations. Moreover, it provides that there shall not be more than one association incorporated for the purposes intended by it in any city, borough or township. No valid reason exists for such a restriction. It grants to the first corporation which may be chartered a special and exclusive privilege, contrary to the spirit of the Constitution.

ROBT. E. PATTISON.

Veto of "An Act to Amend 'An Act to Consolidate and Amend the Several Acts Relative to a General System of Education by Common Schools,' and for Other Purposes, so as to Exclude Certain Farms From the Provisions of Said Act."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, Pa., June 11, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 469, entitled "An act to amend an act approved the tenth day of April, one thousand eight hundred and forty-one, entitled 'An act supplementary to an act, entitled "An act to consolidate and amend the several acts relative to a general system of education by common schools," passed the thirteenth day of June, one thousand eight hundred and thirty-six,' and for other purposes, so as to exclude certain farms from the provisions of said act."

This is a local and special bill regulating the affairs of the school district of the borough of Somerset, in the county of Somerset, so as to exclude from it the farms of two individuals now embraced within its boundaries. Such legislation is emphatically and expressly prohibited by the seventh section of article III of the Constitution.

ROBT. E. PATTISON.

Veto of "An Act to Amend an Act to Establish a State Weather Service of this Commonwealth, for the Purpose of Increasing the Efficiency of the United States Signal Service by Disseminating More Speedily and Thoroughly the Weather Forecasts, Storm and Frost Warnings, for the Benefit of the Citizens of this State, and for the Purpose of Establishing and Maintaining in Each County Thereof, Meteorological Stations for the Collection of Climatic Data, and Making an Appropriation Therefor, Transferring to the Department of Internal Affairs the Duties Pertaining to the State Weather Service Heretofore Discharged by the Franklin Institute, and Providing a Further Appropriation for the Maintenance of said Weather Service."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, June 11, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 740, entitled "An act to amend an act to establish a State Weather Service of this Commonwealth for the purpose of increasing the efficiency of the United States Signal Service by disseminating more speedily and thoroughly the weather forecasts, storm and frost warnings for the benefit of the citizens of this State, and for the purpose of establishing and maintaining in each county thereof meteorological stations for the collection of climatic data, and making an appropriation therefor, transferring to the Department of Internal Affairs the duties pertaining to the State Weather Service heretofore discharged by the Franklin Institute and providing a further appropriation for the maintenance of said weather service."

This act proposes to take from the Franklin Institut-

the rights of exercising certain duties pertaining to the State Weather Service which it has heretofore discharged and to make them subject to the directions and control of the Department of Internal Affairs. I know of no reason why duties of this kind, which can be best performed by scientific experts, should be transferred from an institute of such long and honorable existence as the one in which they were reposed by the act of 1887, and transferred to the central department which is neither especially adapted for the purpose for which it is instituted nor by its equipment and organization. The terms of the act of May 13, 1887, accept a plan proposed by the Franklin Institute and if it has proved practical and useful, the subject should not be taken out of its control. If it has proved impracticable and of no utility, it is not likely to be made more efficient by the proposed transfer. The increase of the appropriation for this purpose from three thousand to five thousand dollars certainly does not indicate that the change will be advantageous to public interest.

ROBT. E. PATTISON.

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Veto of "An Act to Provide for the Publication and Distribution of Additional Copies of the Report on Birds of Pennsylvania."

Executive Department,  
Commonwealth of Pennsylvania,  
Office of the Governor,  
Harrisburg, Pa., June 11, 1891.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 23, entitled "An act to provide for the publication and distribution of additional copies of the report on Birds of Pennsylvania."

This bill proposes to expend thirty-three thousand dollars (\$33,000) of the public money for the publication and distribution of additional copies of the so-called "Bird book," which has already cost the state of Pennsylvania about sixty thousand dollars (\$60,000). I have no doubt there would be a public demand for even a very much larger number of copies of this or any other popular book, published in an attractive form, that the State could be induced to print and distribute free of cost, but I regard such expenditure of the public moneys as wholly unwarranted and without justification, especially in view of the fact that there has already been printed and distributed a large edition of this book.

ROBT. E. PATTISON.

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Veto of "An Act to Amend the Amendment to 'An Act Supplementary to the Acts Regulating Hawkers and Peddlers.' "

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 11, 1891.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 185, entitled "An act to amend the amendment approved the ninth day of May, Anno Domini one thousand eight hundred and eighty-nine, to an act, entitled 'An act supplementary to the acts regulating hawkers and peddlers,' approved the sixteenth day of April, Anno Domini one thousand eight hundred and forty."



The purpose of this bill is to increase the penalties and make more severe the punishment for hawking and peddling. The discretion formerly reposed in the courts of punishing the statutory offense of hawking and peddling, by fine or imprisonment is removed, and imprisonment is prescribed as a necessary part of the penalty.

I am not disposed to think that public sentiment will sustain this legislation. The tendency of the age is toward greater freedom of traffic, and less restriction upon the rights of the people to freely buy and sell. It seems to me that all the good purposes to be served by a law against hawking and peddling can be promoted by the enforcement of the existing penalties, without increasing their rigor and thereby diminishing the chances of their enforcement.

ROBT. E. PATTISON.

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Veto of "An Act Authorizing the Sale of Real Estate of Decedents, by Persons Named in the Will of Any Testator, Other than an Executor."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 11, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 125, entitled "An act authorizing the sale of real estate of decedents by persons named in the will of any testator other than an executor."

It is very difficult either from investigation of the title or the text of this bill to discover its real purpose. It is at least plain that the object is not ex-

pressed in the title. The act does not in any sense "authorize" the sale of the real estate of decedents; but whatever authority is referred to in it is to be found in the wills to which it relates. If such power as it refers to is created by any will the operation of it must necessarily be under the control of the orphans' court. No act of the Legislature can create such authority and no such legislation is called for. The act provides for returns to the orphans' court in cases no order has issued therefrom. Upon the whole it seems to me to be entirely superfluous and unnecessary legislation and therefore, it is unwise to cumber the statutes with it.

ROBT. E. PATTISON.

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Veto of "A Supplement to 'An Act to Incorporate the Trustees of the Theological Seminary of the Reformed Presbyterian Church in North America,' Declaring the True Intent and Meaning of Section First of Said Act."

Commonwealth of Pennsylvania,

Executive Department,

Harrisburg, Pa., June 11, 1891.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 703, entitled "A supplement to an act, entitled 'An act to incorporate the trustees of the Theological Seminary of the Reformed Presbyterian church in North America,' approved the nineteenth day of April Anno Domini, one thousand eight hundred and fifty-six, declaring the true intent and meaning of section first of said act."

The purpose of this bill is not expressed in its title. It manifestly aims to declare by legislative enactment that a particular corporation has rights and powers under its charter which certainly no court could find therein. If they do exist, it needs no legislative act to declare that they are so contained. If they are not so found there, no act of the Legislature under the present Constitution can amend the charter and supply the deficiency.

ROBT. E. PATTISON.

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Veto of "An Act to Authorize the State Treasurer to Refund to Peter Maurer, One of the Executors of the Estate of John Maurer, late of Snyder County, Deceased, the Amount of the Collateral Inheritance Tax Paid to the Commonwealth Over and Above the Real Value of said Estate Liable for Such Tax."

Commonwealth of Pennsylvania,

Executive Department,

Harrisburg, Pa., June 11, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 558, entitled "An act to authorize the State Treasurer to refund to Peter Maurer, one of the executors of the estate of John Maurer, late of Snyder county, deceased, the amount of the collateral inheritance tax paid to the Commonwealth over and above the real value of said estate liable for such tax."

If the money which this act aims to refund was legally paid into the State Treasury, and there is nothing in this bill to indicate that it was not, the Legislature has power under the Constitution to pass the special

bill refunding it. The act of 1878 provides a general system under which collateral inheritance tax paid into the State Treasury may be recovered, and all devices to secure a refund in such cases outside of general law are reprehensible.

ROBT. E. PATTISON.

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Veto of "An Act to Protect the Holders of Policies of Insurance Issued by Casualty Insurance Companies Organized Under the Laws of This or Any Other State or Government."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 11, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 300, entitled "An act to protect the holders of policies of insurance issued by casualty insurance companies organized under the laws of this or any other State or government."

There is no necessity for such a law as this. Its title is misleading. It is not intended to protect policy holders, but to make the conditions upon which casualty companies can do business in Pennsylvania such that two of the companies can comply with them and two cannot. The fact that they cannot comply with the provisions of this bill is not evidence of financial weakness, because one of the companies has assets, duly invested as the law directs, amounting to \$1,421,229.23, and the other to \$1,791,745.08, and a surplus beyond capital and all other liabilities of \$571,377.29. This bill, if it becomes a law, will apply to only two companies. The standard laid down for all other companies is made so high that they would be driven from the State, leaving a monopoly of this particular branch

of the insurance business to the companies seeking this legislation. Of the more than four hundred insurance companies doing business in Pennsylvania, there is no reason why certain conditions and requirements should be imposed upon two of them and not imposed upon the others. Nor should one company be compelled to maintain a surplus of \$200,000 on its accident risks, while another company doing the same class of business, is not required under the law to maintain any surplus, but on the other hand is permitted to do business with its capital impaired not to exceed 20 per cent. If the provisions of this bill were made applicable to all insurance companies it would close the doors of thirty-three of the forty-four joint stock companies in Pennsylvania.

ROBT. E. PATTISON.

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Veto of "An Act to amend 'An Act to Enable the Officers of Dissolved Corporations to convey Real Estate Held by Such Corporations,' Authorizing the Courts to Direct the Sale of Such Real Estate, on the Petition of Any One or More of the Shareholders,' authorizing the Court to Direct the Sale of Such Real Estate on the Petition of any One or More of the Shareholders or Their Legal Representatives Whenever Requested so to Do."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 11, 1891.

Gentlemen:—

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 42, entitled "An act to amend an act, entitled 'An act to amend an act, entitled "An act

to enable the officers of dissolved corporations to convey real estate held by such corporations," authorizing the court to direct the sale of such real estate on the petition of any one or more of the shareholders,' approved the twenty-fifth day of June one thousand eight hundred and eighty-five, authorizing the court to direct the sale of such real estate on the petition of any one or more of the shareholders or their legal representatives whenever requested so to do.

This act is a literal transcript of House bill No. 58, passed at the last session of the General Assembly, which had my approval, April 15, 1891. It is, of course, useless, to encumber the statute books and pamphlet laws with a repetition of the act. It is to be presumed that the bill was originally introduced in each of the two branches of the General Assembly, and in the confusion and haste attending the closing days of the session was pressed to final passage in the House, regardless of the fact that one identical with it had already passed both bodies.

ROBT. E. PATTISON.

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Veto of "An Act to Amend the Act 'To Provide for the Organization, Discipline and Regulation of the National Guard of Pennsylvania,' Providing for the Granting of Commissions as Brevet First Lieutenants in Certain Cases."

Commonwealth of Pennsylvania,

Executive Department,

Harrisburg, Pa., June 11, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 192, entitled "An act to amend section fifty-seven of the act approved the thirteenth day

of April, Anno Domini one thousand eight hundred and eighty-seven, 'To provide for the organization, discipline and regulation of the National Guard of Pennsylvania, providing for the granting of commissions as brevet first lieutenants in certain cases.' "

I am very decidedly of the opinion that the proposition contained in this act of Assembly is one which would not be approved by the members of the National Guard and would be destructive to the organization and discipline of that body rather than promotive of the same. It provides that the brevet rank of first lieutenant in the National Guard shall be conferred upon graduates of any college, academy or military academy in the State, who shall have received certain military instruction and had a definite experience therein. This is an enlarged discrimination against members of the guard itself, in favor of academy graduates. Soldiers of the State, who may have served long and faithfully in its guard, are shut out from rank and honor in their service thus lavishly conferred upon youth who have never served a day in the guard itself. I see no occasion for an enlargement of the present liberal provisions for giving brevet rank to college graduates.

ROBT. E. PATTISON.



Veto of "An Act to Authorize the State Board of Charities to Formulate a System of Uniform Accounts to be Kept by the Institutions Owned in Whole or in Part by the State, or Receiving Aid Therefrom, Providing for Examiners to Enforce the Same and Regulate Appropriations Thereto, and Making Appropriations Therefor."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 11, 1891.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 319, entitled "An act to authorize the State Board of Charities to formulate a system of uniform accounts to be kept by the institutions owned in whole or in part by the State or receiving aid therefrom, providing for examiners to enforce the same and regulate appropriations thereto, and making an appropriation therefor."

This act which purports to enable the State Board of Charities to formulate a system of uniform accounts to be kept by institutions receiving aid from the State, goes far beyond that purpose in providing for an increase in the number of agents of the Board of Charities, and liberal appropriations for their traveling expenses.

I am convinced that no public necessity exists for this increase of officers and expenses, as the agent of the State Board of Charities is at present invested with ample authority to affect all the purposes of this act.

ROBT. E. PATTISON.

Veto of "An Act for the Relief of Louis Ancker, Hospital Steward and Sergeant Third Regiment National Guard of Pennsylvania;" and "An Act for the Relief of David Wilson, Late First Sergeant of Company C, of Third Regiment, of Pennsylvania Militia."

Commonwealth of Pennsylvania,

Executive Department,

Harrisburg, Pa., June 11, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, thereto, in the office of the Secretary of the Commonwealth, the following bills: House bill No. 52, entitled "An act for the relief of Louis Ancker, hospital steward and sergeant, Third Regiment National Guard of Pennsylvania;" House bill No. 270, entitled "An act for the relief of David Wilson, late First Sergeant of Company C, of Third Regiment Pennsylvania militia."

I have approved during and since the last session of the General Assembly a number of bills for annuities to persons alleged to have contracted permanent or chronic disability in the service of the Commonwealth during the late war for the Union. Some of these grants have met executive approval, not without some misgivings as to the merits of the applicants, but I have been solicitous that no deserving beneficiary of the Commonwealth's bounty should be deprived of it. The two cases covered by bills Nos. 270, and 52, belong to an entirely different class. They contemplate the inauguration of a pension system for members of the National Guard, and propose to institute regular annuities for injuries not contracted in actual "military service," but at encampments or prior and subsequent thereto. In vetoing a bill of this character on June 6, 1887, my predecessor, Governor Beaver, who was a

gallant soldier of the war for the Union as well as a distinguished officer of the National Guard, said:

“The appropriation provided for in this bill comes, in my judgment, within the exception to the prohibition contained in the eighteenth section of the third article of the Constitution, which authorizes appropriations for pensions or gratuities for military services. If the recitals of the bills are correct, the said Bower met with an accident whilst engaged in the service of the State, and in the line of his duty, on the fourth of August, A. D. 1884, in the camp of the National Guard, near Gettysburg, in consequence of which he was totally disqualified for manual labor for about eight months, and ever since rendered unable to perform anything but light work. Some provisions should be made for cases of this character. It should, in my judgment, be made by a general law covering the whole subject, providing for a careful examination into the facts of each case by the Adjutant General or Auditor General of the Commonwealth, in which the sworn testimony of the party interested—his comrades and neighbors—could be taken, and an intelligent estimate made of the amount actually necessary to reimburse him for the loss of time, etc., arrived at. The kind of legislation involved in this bill is extremely dangerous, and may lead to grave imposition upon the legislature.

“I am loth to withhold my approval from this bill, and do so solely for the purpose of calling attention to the fact that some general legislation upon the subject is needed, under which the beneficiary of this bill and persons in like situations may be provided for, without the necessity of special legislation of the character of this bill. If such legislation should be enacted, there will be no reason why the national guardsman proposed to be benefited by this bill should not be cared for hereafter. I regret the delay which will in-

evitably follow this action, but it seems to me that the general good to be accomplished will greatly outweigh individual inconvenience."

In these recommendations I concur. Despite these admonitions two successive legislatures have failed to furnish any general system of pensions for deserving cases arising in the National Guard service.

The whole system of pension legislation by the United States Government generous as it justly is, abounds in checks and safeguards against the loose distribution of even small sums of public money without clear and authentic evidence of deserving. Thereby is protected not alone the treasury of the public but the standing of the worthy veteran, who has an honorable claim upon the bounty of his countrymen. It is not necessary to question the circumstances surrounding the claim set up in these bills to discover that to recognize claims upon such proof as they offer, would be an unwise departure from the line of approved policy pursued in all our pension legislation, and an invitation to general fraud upon and abuse of the generosity of the State. A pension for service to the state or nation, derives its chief value as an honorable distinction from the fact that the granting of it must be preceded by indisputable proof of merit. All legislation which detracts from this by setting examples of indiscriminate distributions of pensions upon doubtful evidence of desert should be discouraged. I feel justified therefore in withholding my approval from these bills, especially in view of the fact that they all grant much larger annuities than have been voted to the subjects of bills which covered actual service in the war for the Union nearly thirty years earlier.

ROBT. E. PATTISON.

Veto of "An Act Regulating the Printing and Publication of Notices and Advertisements Authorized by the County Commissioners of the several Counties of this Commonwealth, Providing How Newspapers shall be Designated in which Such Publication Shall be Made;" and "An Act to Amend the Sixty- third section of an Act, Entitled 'An Act Relating to Executions,' Approved June Sixteenth, Anno Domini One Thousand Eight Hundred and Thirty-six, Providing that Sheriff's Sales Shall Be Advertised in One Newspaper in the German Language."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 11, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, the following bills: House bill No. 151, entitled "An act regulating the printing and publication of notices and advertisements authorized by the County Commissioners of the several counties of this Commonwealth, providing how newspapers shall be designated in which such publication shall be made." Senate bill No. 14, entitled "An act to amend the sixty-third section of an act, entitled 'An act relating to executions,' approved June sixteenth, one thousand eight hundred and thirty-six, providing that sheriff's sales shall be advertised in one newspaper printed in the German language."

In both of these acts there appears to be a purpose to discriminate unjustly and unnecessarily, as it seems to me, against newspapers published in the German language.

It is prescribed that German newspapers in order to secure public advertising shall be required to have at

- least fifteen hundred bona fide circulation, whereas no minimum of circulation whatever is fixed for English newspapers. It may, perhaps, be fairly contended that all the laws of this Commonwealth relating to public advertising need revision. I am well aware of how much abuse the whole system of official advertising has been subjected to. So long as any requirement exists for publication of official notices in a German newspaper no good reason can be furnished why a larger circulation should be required of newspapers in that language than in any other. Moreover, if it is intended by section 3 of bill No. 151, to repeal all local laws regulating public advertising the section is wholly inadequate for that purpose. Local and particular statutes can not, and ought not to be repealed in that wholesale manner. The bill would in all probabilities, therefore, entirely fail of its real purpose.

ROBT. E. PATTISON.

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Veto of "An Act to Reimburse Joseph B. Rohrman for Amount Improperly Paid as Collateral Inheritance Tax in the Estate of Mary V. Heulings."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 16, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 620, entitled "An act to reimburse Joseph B. Rohrman for amount improperly paid as collateral inheritance tax in the estate of Mary V. Heulings."

By the terms of this bill the executive is left wholly in doubt whether the money which is sought to be refunded was or was not "legally" paid into the State Treasury. If it was legally paid into the State Treasury, the Legislature has no power to refund it by a special act. In any event, as I have indicated in a number of messages or memoranda upon bills passed during the last session, the refunding of collateral inheritance tax should be subject to general laws.

A general law governing such cases is to be found in the Act of June 12th, 1879, which provides that such application shall be made to the State Treasurer and the proof to sustain it shall be made.

ROBT. E. PATTISON.

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Veto of "An Act Making an Appropriation for the Erection and Construction of a Dyke or Wall Along the Eastern Bank of Shoup's Run, for the Protection of the Lives and Property of the Citizens of Coalmont Borough, Huntingdon County, Pennsylvania."

Commonwealth of Pennsylvania,  
Executive Department.

Harrisburg, Pa., June 16, 1891.

HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 845, entitled "An act making an appropriation for the erection and construction of a dyke or wall along the eastern bank of Shoup's Run for the protection of the lives and property of the citizens of Coalmont borough, Huntingdon county, Pennsylvania.



This bill involves the appropriation by the State of Pennsylvania of four thousand dollars for the erection of a dyke for the protection of certain residents of the borough of Coalmont, Huntingdon county. This is distinctly an appropriation of the moneys of the Commonwealth for the improvement of private property, or for benevolent purposes to a community, such as is expressly forbidden by Section 18, Article 3 of the Constitution.

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Veto of "An Act Making an Appropriation for the Payment of Felix C. Negley, of Allegheny County, for His Services as Recruiting Agent of the State of Pennsylvania During the War of the Southern Rebellion."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 16, 1891.

Gentlemen:—

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 928, entitled "An act making appropriation for the payment of Felix C. Negley, of Allegheny county, for his services as Recruiting Agent of the State of Pennsylvania, during the war of the Southern Rebellion."

This is an act to pay Felix C. Negley \$830.00 for services alleged to have been rendered the Commonwealth in the years 1864 and 1865. It is a very stale claim, and if any basis for it ever existed it should have been submitted to and settled by the auditing and fiscal officers of the State long ago. I am not willing

to give my approval to the bill without having submitted to me ample and convincing evidence, first, that the claim is actually due, and, secondly, that proper effort has been made to have it settled in accordance with the general system established for adjusting accounts between the Commonwealth and persons claiming against it.

ROBT. E. PATTISON.

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Veto of "An Act to Enlarge the Powers of Cities of the First Class, Authorizing the Municipal Authorities Thereof to Regulate by Ordinance the Sale of Anthracite Coal, and Prevent and Punish Frauds in the Sale and Delivery Thereof, and to Appoint Inspectors of the Same, and to Charge a License Fee Upon all Vehicles Used in Delivering Coal."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 16, 1891.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 284, entitled "An act to enlarge the powers of cities of the first class, authorizing the municipal authorities thereof to regulate by ordinance the sale of anthracite coal, and prevent and punish frauds in the sale and delivery thereof, and to appoint inspectors of the same, and to charge license fee upon all vehicles in delivering coal."

The purpose of this bill is to authorize the city councils of Philadelphia to appoint inspectors of anthracite coal, and to fix the terms, duties, powers and compensation of such inspectors, and to provide a license fee

for all carts and vehicles engaged in hauling and delivering said coal. While the Constitution of 1874, contemplated that counties or municipalities might be authorized to appoint officers for the inspection or measuring of any merchandise, manufacture or commodity, the great abuses which had theretofore existed under the increasing number and variety of this particular class of public officials led the framers of the Constitution to incorporate therein a distinct prohibition against the continuance or further creation of State officers for that purpose. I am of the opinion that municipal authority to establish inspectors of merchandise, or to hedge about the transaction of private mercantile business with vexatious regulations, is one that should be granted by the legislature only with great caution. Certainly no reason exists for such regulation of the trade in anthracite coal in cities of the first class which are not common to other cities, if not to all communities in the State, and in this respect this bill is local and special to a degree that brings it within the rules laid down by the Supreme Court against the classification of cities for purposes of special legislation. In investing councils with power to create an unlimited number of these officials and to fix their compensation, the bill presents serious and to my mind insuperable objections.

ROBT. E. PATTISON.

Veto of "An Act to Insrease the Compensation of County Assessors in Cities of the Second Class."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 17, 1891.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 122, entitled "An act to increase the compensation of county assessors in cities of the second class."

This is an attempt to regulate by special and local act the affairs of a county. The compensation of county assessors has been recently fixed by a general law extending to all the counties in the State. The purpose of the present bill is to alter and modify that law so far as it relates to cities of the second class. That is clearly within the constitutional prohibition.

ROBT. E. PATTISON.

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Veto of "An Act Relating to Proceedings for the Recovery of Possession of Leased Furnished Rooms or Portions of Houses or Dwellings."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 17, 1891.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 234, entitled "An act relating to proceedings for the recovery of possession of leased furnished rooms or portions of houses or dwellings."

Whatever merits this bill may have, or whatever necessity may exist for the special relief which it pro-

poses to afford, are impaired by its failure to provide for any appeal from the judgment of the magistrate or justice who is clothed by its provisions with enlarged powers and summary authority.

It has been the universal policy of the laws of this Commonwealth in such cases made and provided to recognize the right of parties so seriously affected in their rights to an appeal, and no act of this character should become a law, without some recognition of this protection.

ROBT. E. PATTISON.

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Veto of "An Act to Amend 'An Act in Relation to the Imprisonment, Government and Release of Convicts in the Pennsylvania Industrial Reformatory at Huntingdon,' Amending Section Eight, Ten and Fourteen of Said Act in Relation to the Reception, Employment, Transfer, Government and Discharge of Prisoners, and Repealing so Much of Section Twelve of Said Act as Provides that No Petition or Application for the release of Any Prisoner Shall be Entertained by the Managers."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 17, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill, No. 121, entitled "An act to amend an act, entitled 'An act in relation to the imprisonment, government, and release of convicts in the Pennsylvania Industrial Reformatory at Huntingdon,' approved April twenty-eight Anno Domini one thousand eight hundred and eighty-seven, amending section eight, ten

and fourteen of said act in relation to the reception, employment, transfer, government and discharge of prisoners and repealing so much of section twelve of said act as provides that no petition or application for the release of any prisoners be entertained by the managers."

The purpose of this act seems to be to repeal so much of the act relating to the management of the Pennsylvania Industrial Reformatory at Huntingdon as prevents petitions or applications for the release of prisoners from being entertained by the managers, and practically confers the pardoning power upon the general superintendent of the reformatory, the board of managers and the president judge of the court that sentenced the prisoner.

The provisions of the Constitution invest the Executive of the State with the pardoning power, to be exercised upon the recommendation of the officers of the Commonwealth comprising the Board of Pardons.

Any attempt to separate that power and to lodge it elsewhere than according to the direction of the Constitution is a violation of the plain intent of that instrument.

ROBT. E. PATTISON.

Veto of "An Act to Provide for the Attendance of Children in the Schools of this Commonwealth, and a Supervisory Board of Education."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 18, 1891.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 143, entitled "An act to provide for the attendance of children at schools of this Commonwealth, and a supervisory board of education."

This legislation is the first step taken by our Commonwealth in the direction of compulsory education. That feature of a Common School system involves serious political, educational and social problems. They have not yet been definitely or satisfactorily solved by the experience of other states. In grappling with them, therefore it is needful that sure ground be occupied, in order that it may be successfully maintained. The State has provided, with increasing liberality, for the education of all the children of all its citizens. While it has furnished the opportunity to all, it has imposed the obligation of attendance upon none. Free attendance upon free schools seems to most benefit a free people. I am well aware of the necessity claimed to exist for compelling certain classes of the people to avail themselves of the opportunities offered them; but compulsory education is such an invasion upon existing systems in our Commonwealth, that if it is to be inaugurated, it should be done under the most favorable circumstances. It will not avail to pass a law of uncertain character or so widely at variance with the popular sense of what is just that it shall be a dead letter on the statute books.

I am of the opinion that the essential conditions are not to be found in the bill under review, and I do not



believe that the plan proposed will promote the public welfare. It compels all parents or guardians to send their children or wards, between eight and twelve years of age to school, except "mental or physical conditions or other urgent reasons" excuse. What are "urgent reasons" must be determined by the different School Boards, and it can easily be foreseen that the interpretation of these important qualifying words will vary widely in different communities, and in different School Boards. This is an uncertainty which should not exist in so important a law. Moreover, the Act makes no allowance or provision for the numerous class of persons who may see fit to educate their children in their own homes, which is certainly not an evil nor an occasion for sound objection. A bill which will inflict penalties upon these citizens is highly objectionable, whatever other merits it may possess.

The plan by which this bill proposes to enforce compulsory education is cumbersome and vexatious and may, in the end, entail enormous expense upon the School districts of the Commonwealth. All children of the years prescribed in the Act are to be assessed, their names returned to the County Commissioners and by them certified to the different School Boards, the Secretary of the School Board must return them to the District School Teacher, he or she, in return, must report back to the School Board the names of all the children in their school districts who shall "appear to be delinquent." This labor will only be second in its extent to that of the Secretary of each School Board who is charged with the duty of inquiring into and prosecuting every case of delinquency. His search and prosecutions from this inquiry if not thorough will practically render the whole system abortive. If his labor be prosecuted with industry and zeal, each School Board will find itself involved in a large number of suits and prosecutions, and then, if before the com-

mitting magistrate shall be established the poverty "or other satisfactory excuses" of the parents, all the expenses of the litigation are to be saddled on the School districts. In view of the readiness of the ordinary magistrate to entertain litigation when the costs of the same are to be paid out of some public fund it can easily be imagined that this system will be the fruitful source of grave public abuses. I can discern no promise of relief from these difficulties in the proposition to create a new State Board, outside of the School Department, to formulate "rules and regulations," which could, at best, have no binding authority whatever upon the School Boards and the controllers. In the full development of our educational system, it may be that the Commonwealth will find it salutary to establish some system of compulsory education, but I am confident that its inauguration under the conditions prescribed in this bill, would be of no substantial public advantage, and might work most serious evil to the very cause in behalf of which it is invoked.

ROBT. E. PATTISON.

Veto of "An Act to Amend 'An Act to Establish an Insurance Department,' Requiring the Insurance Companies or Associations Not Incorporated Firemen's Relief Associations, Organized in the Cities, Boroughs and Townships, an Annual Bonus on Premiums on the Insurance Effected Within the Limits of Such Cities, Boroughs and Townships, and Regulating the Collection Thereof."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 18, 1891.

**I** HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 169, entitled "An act to amend the tenth section of an act, entitled 'An Act to establish an insurance department,' approved the fourth day of April, Anno Domini one thousand eight hundred and seventy-three, requiring the insurance companies or associations not incorporated under the law of this State, to pay to the firemen's relief associations organized in the cities, boroughs and townships an annual bonus on premiums on the insurance effected within the limits of such cities, boroughs and townships, and regulating the collections thereof."

In filing my disapproval of this bill I deem it my duty to the public to add to other reasons for its disapproval, that since the adjournment of the General Assembly I have been informed by persons and officials in the best possible position to know, that this bill, as transcribed and transmitted to me never passed both branches of the legislature as required by the Constitution. Whether it happened by design or accident, most convincing proof has been laid before me that in the transcribing department of the Senate the bill was transcribed with certain amendments included which were made to it by and in the House of Repre-

sentatives, but in which the Senate refused to concur and from which the House finally receded. Nevertheless, the bill has been sent to the Executive for approval with amendments to it made in the House, which were not concurred in by the other branch of the General Assembly. Were the bill such a one as I felt justified in approving, in the form in which it is submitted to the executive, the circumstances I have mentioned might be of very serious concern and would raise a novel and difficult question as to how far the executive would be justified in acting upon such information as I have referred to.

But the bill in question is open to a variety of objections, only one of which needs be particularized for the purposes of this memorandum, and that is the feature of it which proposes to levy upon foreign insurance companies a State tax, of which a certain portion shall be paid to firemen's relief associations organized in the cities, boroughs and townships wherein the tax is collected.

In vetoing a bill containing substantially this feature, in a communication to the Senate of Pennsylvania dated May 6, 1887, my distinguished predecessor, Governor Beaver, said:

"It is open to two grave constitutional objections. It seeks to pass a special law creating corporations, or, in other words limits the period to which the law is to be applied. It delegates, moreover, to corporations thereby created the power and authority to tax all corporations, associations, underwriters, agents or persons engaged in the business of fire insurance within the city within which the corporation is organized. The right to levy taxes is a badge of sovereignty which the State, as a matter of policy, should never delegate to one of its creatures, and the Legislature is especially forbidden to do so by the 20th section of the third article of the Constitution."

With this view of such legislation I am entirely in sympathy. The section of the Constitution referred to expressly forbids any such delegation of power to the associations upon whom it is conferred by this bill. For reasons previously given I have disapproved a bill providing for the organization of such associations.

ROBT. E. PATTISON.

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Veto of "An Act to Prevent Deception in the Manufacture and Sale of Articles of Gilded Ware, and Providing Penalties for the Violation Thereof."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 18, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 357, entitled "An act to prevent deception in the manufacture and sale of articles of gilded ware, and providing penalties for the violation thereof."

This is a bill which is intended, no doubt, to protect the purchasers of gilded ware from imposition which may be practiced upon them by mistaking genuine gold leaf from imitations thereof. It would, undoubtedly be a most desirable consummation, if by some species of legislation, the public could be protected from all "tricks of trade," but it is in most cases impracticable to go further in this direction than to provide, as existing laws do provide, that every person shall have cause for a civil action against any one who sells him or her goods purported to be what they are not, and that a criminal action will lie against all per-

sons who may obtain money by false pretenses. To prevent by legislative enactments the sale of imitation goods for the real article is utterly hopeless, and there is no reason why purchasers of a particular article, like gilded ware, should be the subjects of special legislative protection, or why manufacturers and vendors of such wares should have restrictions imposed upon them that relate to no other class of manufacturers or tradesmen. I am not unmindful that in the proper exercise of its police powers, the State has gone to some length in protecting its people from noxious and hurtful articles sold for medicinal purposes, or as breadstuffs, but the considerations which prevailed in favor of such enactments do not extend to gilded ware or ordinary articles of merchandise, and the bill which I herewith disapprove works a needless and vexatious discrimination.

ROBT. E. PATTISON.

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Veto of "An Act Making an Appropriation to the Charity Hospital of Montgomery County, Pennsylvania, Located at Norristown."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 19, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 280, entitled "An act making an appropriation to the Charity Hospital of Montgomery county, Pennsylvania, located at Norristown."

This bill makes an appropriation of ten thousand dollars to the Charity Hospital of Montgomery county, Pennsylvania, located at Norristown, for the purchase

of adjacent property and for the erection of an additional ward building.

I have already approved the grant of such sum for the maintenance of this institution as has been recommended by the Board of Charities.

That Board has not approved the request for an appropriation for the erection of additional buildings; and the presumption thus raised against the propriety of this grant has been strengthened by information that the present buildings and accommodations of this hospital are altogether adequate for its immediate wants.

ROBT. E. PATTISON.

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Veto of "An Act Making an Appropriation of Ten Thousand Dollars to the Zoological Society of Philadelphia, to Erect Additional Buildings."

Commonwealth of Pennsylvania,  
Executive Department,  
Harrisburg, Pa., June 19, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 717, entitled "An act making an appropriation of ten thousand dollars to the Zoological Society of Philadelphia, to erect additional buildings."

This bill makes an appropriation of ten thousand dollars to the Zoological Society of Philadelphia. I am abundantly satisfied that the society which has established and maintained the Zoological Garden of Philadelphia has been a most useful one. Its promoters were enterprising and liberal-minded citizens, and its collection is one in which the people of the city in



which it is located can take a pardonable pride; but it is a private corporation owning property in which the State has no part. It is not established, nor does it exist, for charitable or benevolent purposes, however beneficial and educational its work may be, and therefore I know of no authority under the Constitution which would justify me in approving a grant of moneys of the Commonwealth to this society. The constitutional prohibition against appropriations for charitable, educational or benevolent purposes to any person or community forbids appropriations to any body of inhabitants or to any individuals or associations of this character, and I am constrained, therefore, to withhold my approval for a measure which was no doubt well intended to help a worthy cause.

ROBT. E. PATTISON.

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Veto of "An Act to Provide for the Distribution of Unbound Copies of the Laws of the Commonwealth of Pennsylvania, Specifying When, How and to Whom they Shall be Distributed, and Providing for the Expenses Connected Therewith, and Providing Penalties for Enforcing the Same."

Commonwealth of Pennsylvania,

Executive Department,

Harrisburg, Pa., June 19, 1891.

I HEREWITH FILE, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 270, entitled "An act to provide for the distribution of unbound copies of the laws of the Commonwealth of Pennsylvania, specifying when, how and to whom they shall be distributed, and providing for the expenses connected therewith, and providing penalties for enforcing the same."

In its main purpose this bill would have met my approval. It provides that immediately after the passage and approval of any act of the General Assembly, the Secretary of the Commonwealth shall supply certified copies of the same to the prothonotaries of the several counties. I am of the opinion that this or some similar means should be employed to promptly inform the citizens of the State of the laws which have become inoperative; but in the fourth section of the bill there has been inserted a wholly unnecessary provision, entailing expenses upon the Commonwealth which might have been avoided. The clerical force and contingent fund at the disposal of the Secretary of the Commonwealth, as lately increased, are ample to supply copies of these bills to the several counties. The provision that the Superintendent of Public Printing should be allowed twelve cents for each authorized copy sent out, is a device to entail upon the Commonwealth a biennial expense of from two to three thousand dollars, most of it a prerequisite to the Superintendent of Public Printing, which there was no occasion whatever to insert in this bill, and on account of which it meets my disapproval.

ROBT. E. PATTISON.



# INDEX.



# INDEX.

---

- A** DJUTANT general, office, Expenses of, 1891, 986.  
Presly N. Guthrie, 16.  
Daniel H. Hastings, 546.  
William McClelland, 972.
- Agricultural organizations, Veto of act for relief of several, 579.  
experiment station, Veto of, 179, 415.  
society, Veto of relief of the State, 426.  
State, not official, 244.
- Agriculture, 1888, 704.  
State Board of, 275, 286, 522, 548, 740, 750, 948, 990.
- Allegheny city, Proclamation declaring, to be a city of the first class, 868.
- Amerman, Lemuel, member of Congress, 863.
- Animals, Veto of special legislation on the vagrancy of, 126.
- Appeal, Veto of extension of right of, to petitions for charters for corporations, 388.
- Apportionment of State, 31.  
1883, 116.  
1885, 266.  
1887, 511.  
1891, 969. 1  
of congressional districts, Veto of, 325.  
of representatives by Congress, 984.
- Appropriations, Veto of certain, for 1883-'84, 194.  
Veto of hospital and charity, 1885, 436.  
for 1885, Veto of portions of the, 348.
- Arbitration legislation, Veto of, 363.
- Arbor day proclamation, First, 1885, 291.  
1886, 474.  
1887, 552.  
1888, 649.  
1889, 754.  
1890, 852.  
1891, 994.
- Archives, Pennsylvania, 509, 730.
- Armory rentals, Veto of increase of National Guard, 109.
- Artillery, Thomas J. Hudson chief of, 1883, 273.
- Assembly, Extra session of, 1883, 116.
- Assemblymen, Salary recommended, 250.
- Atkinson, Louis E., member of Congress, 218, 479, 657, 864.
- Attorney General Lewis C. Cassidy, 16.  
William U. Hensel, 972.  
William S. Kirkpatrick, 545.  
salary recommended, 249.
- Attorney General's work 1888, 727.  
1891, 893.
- Audit, Commissioners of, 105.
- Auditor General, Proclamation of election of Jerome B. Niles, 210.

**B**ALLOT reform, 493, 885, 961.

Ballots prescribed by law, 29.

Bank deposit, Veto of special legislation for refund of an escheated, 361.

Banks, State, 491.

Veto of act for renewing and extending charters of, 583.

Bayne, Thomas M., member of Congress, 219, 479, 657.

Beaver, James Addams, Biographical sketch, 527.

Inaugural address, 530.

Bedford public square, Veto of special legislation on the, 178.

Beltzhoover, F. E., member of Congress, 864.

Bingham, H. H., member of Congress, 216, 477, 655, 862.

Bird book, Veto of additional editions of the Pennsylvania, 1068.

Board and lodging bills, Veto of process for collection of, 93.

Boiler inspectors, 22.

Borough license taxes, Veto of legislation regarding, 624.

tax law, Veto of a, 298.

Boroughs, Veto of act to increase taxation in, 1010.

Bound, Franklin, member of Congress, 218, 478.

Boundary legislation, 565.

line commission, 1891, 515.

Boyer, Henry K., Proclamation of election of, State Treasurer, 847.

Boyle, Charles E., member of Congress, 218.

Bribery of an officer of the Commonwealth, 37.

Brosius, Marriott, member of Congress, 656, 863.

Brown, William W., member of Congress, 218.

Brumm, Charles N., member of Congress, 218, 478.

Brunner, David B., member of Congress, 656, 863.

Buckalew, Charles R., member of Congress, 478, 656.

Buildings act, Veto of a Philadelphia, 591.

Executive and legislative, 731.

Bunnell, Frank C., member of Congress, 218, 478.

Burgesses, Veto of extension of power of, 386.

Burial ground, Quaker, Veto of sale of in Philadelphia, 779.

places, Veto of use of public, for school purposes, 1063.

Business principles and agents, Veto of act relative to, 381.

**C**AMPBELL, Jacob M., member of Congress, 218.

Canal companies in Schuylkill county, Veto of authority for railroads and, to purchase stock and bonds of coal, iron, etc., companies, 559.

Canal legislation, Veto of, 357.

Capitol improvement, 1891, 908.

Cassidy, Lewis C., Attorney General, 16.

Centennial, Constitutional, 738.

of Washington's inauguration, 738.

Centre county, Veto of special legislation on the election of officers of, 1034.

Charitable institutions, Veto of appropriations for certain, 184.

Charity appropriations, Veto of hospital and, 1885, 436.

Charities, Board of Public, 113, 260, 520, 549, 743, 946.

Public, 239, 494.

Veto of formulation of uniform accounts for State institutions by State Board of, 1077.

Charter of certain corporations, Proclamation announcing the intended forfeiture of the, 44.

of delinquent corporations, Proclamation forfeiting the, 71.

outstanding corporation, 31.

Children, Veto of appropriation for a home for crippled, 781.

Veto of appropriation for associations for prevention of cruelty to, 775.

City legislation, Veto of, 1885, 444.

of the first class, Proclamation declaring Allegheny city to be a, 868.

of Pittsburg, Veto of new form of government for, 151.



- Cities, Government of, 26, 967.
  - of the fifth class, Veto of an act for the government of, 124.
  - Veto of legislation relative to, 420.
  - of the first class, Veto of legislation relative to surveyors and regulators in, 554.
  - of the second class, Veto of authority for, to invest the money of their sinking funds, 18.
  - Veto of street legislation in, 148.
  - of the third class, Veto of a city code in, 68.
  - Veto of further legislation for recorders of, 96.
- Civil service reform, 265, 504.
- Coal miners, Veto of additional legislation regarding the anthracite, 611.
  - region, Commissioners for hospital in anthracite, 751, 752.
  - regions, Commissioners for hospitals in bituminous, 751.
  - Commissioners on mining and ventilation laws in bituminous, 295.
  - Commissioners to revise mine laws relating to bituminous, 992.
  - trade, Veto of regulation by authorities of cities of the first class, 1085.
- College, Pennsylvania State, 1391, 1388.
  - Proclamation of application of proceeds of public lands to, 857.
- Colleges, schools, etc., Veto of act to prevent right of way across lands belonging to, 301.
- Columbian exposition, 907, 982, 983.
- Commerce in 1888, 713.
- Commissary General Richard S. Edwards, 983.
  - J. Granville Leach, 553.
  - Thomas J. Smith, 547.
- Conemaugh flood, 869.
  - Proclamation declaring the drift in the, a nuisance, 834.
  - Proclamation for removal of drifts in, left after the Johnstown flood, 930.
- Congress, Apportionment of representatives by, 984.
  - Monument to James Wilson, member of colonial, 952.
  - Proclamation of members of, 1884, 216, 224.
    - 1885, 467.
    - 1886, 476.
    - 1888, 655.
    - 1889, 849.
    - 1890, 854, 859, 862.
- Congressional districts, Veto of apportionment of, 325.
- Constitution, Amendments to, 682.
  - Approval of submission of an amendment to the people, 549.
  - Proclamation of rejection of proposed prohibition and suffrage amendments, 836.
  - Veto of entertainment appropriation in connection with the centennial of the federal, 634.
  - Writ for election on amendments to, 1889, 760.
- Constitutional centennial, 738.
  - convention, 963.
  - government, Proclamation of thanksgiving for blessings of, 767.
- Corporation act, Veto of, 167, 169.
  - Bribery by a, 37.
  - charters, Outstanding, 31.
  - laws, Veto of publication of, 621.
  - legislation, Veto of, 363, 419, 423.
  - tax legislation, Veto of duplicate, 371.
  - Veto of extension of right of appeal to petitioners for charters, 388.
  - Veto of friendly societies, 818.
  - Veto of sale of real estate and mining rights of dissolved, 1031.
- Corporations, Proclamation announcing the intended forfeiture of the charters of several, 44.
  - Proclamation forfeiting charters of delinquent, 71.

## Corporations—Continued.

Veto of authority of, to levy taxes, 561, 564.

Veto of legislation regarding sale of real estate of dissolved, 1074.

Co-operative associations, Veto of act for, 412.

Councilmen, Veto of increase of, in cities of the first class, 1059.

County Auditors, Veto of special legislation relative to, 402.

assessors in cities of the second class, Veto of increase of compensation of, 1087.

commissioners, Veto of special legislation relative to, 406.

officers, Veto of election legislation for Jefferson, 574.

Veto of salary legislation for, 312.

Counties and townships, Veto of enlargement of the act relating to, 42.

Court fee and mileage bill, Veto of a, 592.

Court officers of Lackawanna county, Veto of special legislation for, 562.

legislation, Veto of orphans', 156.

Supreme, 1891, 897.

Courts of common pleas, Veto of special fee legislation for, 356.

registry of judgements of United States, 921.

Veto of legislation on Philadelphia magistrates', 279.

Court martial, Veto of authority of, to summon civilians, 398.

Craig, Samuel A., member of Congress, 657.

Culbertson, W. C., member of Congress, 658.

Cumberland county law library, Veto of repeal of act for the, 396.

Curtin, Andrew Gregg, member of Congress, 218.

**D**ALZELL, John, member of Congress, 479, 657, 864.

Darlington, Smedley, member of Congress, 477, 656.

Davis, George R., Letter from, 982.

Debt, State, 233, 690, 879.

Veto of act authorizing imprisonment for, 124.

Debts, Veto of act relating to collection of district and township, 384.

Dechert, Robert P., Brigadier General, 950.

Delaware river, Veto of legislation to restore to its original channel, 565.

Demming, Henry C., Quartermaster General, 981.

Denning, William, Monument to, at Newville, 911.

Disorderly conduct, Veto of penalties for, 1053.

Divorce reform, 252, 503.

Duncan, William A., member of Congress, 218.

**E**DWARDS, Richard S., Commissary General, 41, 269, 983.

Education, 1888, 695.

1891, 886.

Egle, William H., State Librarian, 550, 944.

Election bill, Veto of concurrent resolution requesting Senators to support the federal, 977.

case, Commission of jurors in contested, 222.

district legislation, Veto of, 376.

laws, 29.

legislation for Jefferson county officers, Veto of, 574.

officers of Centre county, Veto of special legislation on the, 1034.

Embezzlement from unincorporated societies, Veto of act to define, 395.

Endicott, William C., Letter from, 290.

Entertainment appropriation in connection with the centennial of the federal constitution, Veto of, 634.

Erie Marine Hospital, Veto of act to pay certain debts of, 597.

Ermentrout, Daniel, member of Congress, 217, 478.

Estates, Veto of time limitations on decedents, 604.

Evans, Barton D., Superintendent of Public Printing, 781.

I. Newton, member of Congress, 217.

Everhart, James B., member of Congress, 217.

Executive mansion, Veto of remodeling, 631.

Executor, Veto of sale of real estate of decedents of other than the, 1070.

Exhibition, American, in London, Veto of act for relief of Pennsylvania exhibitors in, 579.  
 Exposition, Columbian, 907, 982, 983.  
 Paris, 739.

**F**ACTORY inspector, 1891, 901.  
 Fairmount park, Veto of speedway in, 797.  
 Fee bill, Veto of special sheriffs', in large counties, 421.  
 legislation, Veto of special, for courts of common pleas, 356.  
 Feeble minded, Veto of appropriation for training school for the, 634.  
 Fence laws, 708.  
 Ferry legislation, Veto of, 407.  
 Finances, State, 1885, 228.  
 1887, 484.  
 1888, 683, 689.  
 1891, 879, 969, 1018.  
 Fire company legislation, Veto of, 561, 564.  
 department of Lebanon, Veto of special legislation for, 158.  
 salvage associations, Veto of, 1046.  
 Firemen and policemen, Veto of pension legislation for, 385, 607.  
 Veto of pension for, 142.  
 Firemen's relief associations, Veto of 1064.  
 Fisher, Hiram H., Quartermaster General, 65.  
 Fishery commission, 41, 273, 293, 569, 903, 945, 1045.  
 Fishery in Monongahela and Ohio rivers below Pittsburg, Veto of act concerning, 175.  
 Fishway resolution, Veto of a, 111.  
 Fleeger, George W., member of Congress, 219.  
 Flood, Johnstown, 869.  
 Proclamation relative to sufferers from, 826.  
 Forestry, 710, 746.  
 congress, Memorial of American, 276.  
 act, Veto of a, 408.  
 Forfeited recognizances and fines by contract, Veto of collection of, 387.  
 Forster, J. Montgomery, Insurance Commissioner, 300, 749.  
 Frankford arsenal, Cession of jurisdiction to United States over lands adjoining, 289.  
 Funds, Deposits of public, 28.

**G**ARFIELD, Veto of acts for monuments to McClellan, the Scott Legion, Jennie Wade and, 599.  
 Gas, Veto of municipal sale of natural, 602.  
 General, John S. Gobin, Brigadier, 325, 950.  
 Robert P. Dechert, Brigadier, 950.  
 John A. Wiley, Brigadier, 546.  
 George R. Snowden, Major, 746, 951.  
 Geological survey, 257, 355, 510, 523.  
 Georgia sesqui-centennial, 17.  
 German newspapers, Veto of law for county advertising discriminating against, 1081.  
 Gettysburg and Philadelphia, On cession to the United States of land at, for national cemeteries, 287.  
 Gettysburg memorial, 704, 928.  
 monument, Report on, 753.  
 Veto of memorial building at, 770.  
 William Ross Hartshorn commissioner to erect memorial tablets at, 1044.  
 Gilded ware, Veto of act to prevent deception by, 1095.  
 Gillespie, E. P., member of Congress, 864.  
 Glanders, Veto of payment for horses killed to prevent an epidemic of, 1050.  
 Gobin, John P. S., Brigadier General, 325, 950.  
 Goddard, P. Lacy, inspector general, 37.  
 Governor, Private Secretary to, George Pearson, 545.  
 Humphrey D. Tate, 971.

Governor's message, 1891, Veto of additional copies of, 980.  
 Grant, Ulysses S., Proclamation on death of, 463, 465.  
 Greenland, Walter W., Quartermaster General, 990.  
 Grier, W. Hayes, Superintendent of public printing, 309.  
 Griswold, Matthew, member of Congress, 864.  
 Gross will case in Pittsburg, Veto of relief to heir under, 1040.  
 Grow and Randall portraits, 912.  
 Guthrie, Presly N., Adjutant General, 16.

**H**ALL, Norman, member of Congress, 479.  
 Hallowell, Edwin, member of Congress, 863.  
 Hancock, Veto of acts for monuments to Meade and, 600.  
 Hans, Dr. W. J., Veto of act for relief of, 414.  
 Harmer, Alfred C., member of Congress, 217, 477, 656, 863.  
 Harrity, William F., Secretary of the Commonwealth, 971.  
 Hart, William B., State Treasurer, Proclamation of decease of, 840.  
 Proclamation of election of State Treasurer, 651.  
 Hartranft, John F., In memoriam, 922.  
 Major General, 746.  
 Proclamation of decease of, 838.  
 Hartshorn, Wm. Ross, Commissioner to erect memorial tablets at Gettysburg, 1044.  
 Hastings, Daniel Hartman, Adjutant General, 546.  
 Health (see also Conemaugh), board recommended, 241.  
 conditions after Johnstown flood, 924.  
 Member of State Board of, 347, 519, 571, 742, 946.  
 State Board of, 496, 727, 877.  
 Heir under Gross will case in Pittsburg, Veto of relief to, 1040.  
 Hensel, William U., Attorney General, 972.  
 Hepburn, Andrew D., Inspector General, 548.  
 Home for Blind Men, Veto of appropriation for, 623.  
 Homeopathic pharmacy, Veto of regulation of, 589.  
 Homestead, Exemption of, 711.  
 Hopkins, Albert C., member of congress, 863.  
 Horses killed for glanders, Veto of payment for, 784.  
 Horses killed to prevent an epidemic of glanders, Veto of payment for, 1050.  
 Hiestand, John A., member of Congress, 217, 478.  
 Higbee, E. E., State Superintendent of Public Instruction, 293, 782.  
 Superintendent of Public Instruction, Proclamation of decease of, 843.  
 Hill, Samuel W., Quartermaster General, 548.  
 Hospital and charity appropriations, Veto of, 1885, 436.  
 for injured persons, 1891, 912.  
 for Injured at Blossburg, Trustee of, 941.  
 for Injured at Blossburg, Trustees of, 941.  
 for Injured at Hazleton, Trustees of, 942, 991.  
 for Injured at Mercer, Trustees of, 940, 1038.  
 for Injured at Philipsburg, Trustees of, 939.  
 in anthracite coal region, Commissioners for, 751, 752.  
 in bituminous coal regions, Commissioners for, 751.  
 in anthracite coal region, Trustees of, 274, 572, 768, 945, 1038.  
 managers, Pennsylvania, 783.  
 Marine, at Erie, 40.  
 Veto of appropriations, 1889, 803.  
 Veto of appropriation for Bull's Eye, 788.  
 Veto of part of appropriation for Lackawanna, 449.  
 Veto of appropriation to Montgomery county, 1096.  
 Veto of part of appropriation for State, for the anthracite coal regions, 450.  
 Veto of appropriation for Reading, 1028.  
 Veto of appropriation for Western Pennsylvania at Pittsburg, 807.  
 Veto of appropriation for Women's Homeopathic, 606.  
 Western Pennsylvania, Managers, 287, 949, 1010.

- Hospitals in the bituminous coal regions, Veto of State, 434.  
 Veto of appropriations for various, 635, 636, 637, 638, 639, 640, 641, 642, 821, 822, 823, 824.
- House of Refuge, Veto of purchase of a, 619.
- Hudson, Thomas J., chief of artillery, 275.
- Huff, George W., member of Congress, 864.
- Huntingdon Reformatory, Proclamation of the, 748.
- Husband and wife, Veto of authority for separated, to have separate real estate rights, 91.
- I**DIOTIC, (see also feeble-minded), Care of, 721.
- Imprisonment for debt, Veto of act authorizing, 124.
- Insane asylum trustees, 114, 115, 270, 271, 272, 285, 324, 347, 519, 520, 521, 551, 566, 570, 572, 742, 744, 782, 947, 948, 949, 951, 991, 1003, 1015, 1017.
- Insane (see also lunatic, mental disorders), Treatment of, 26, 40, 495, 721, 914.
- Inheritance legislation, Veto of collateral, 107.  
 tax, Veto of authority of State Treasurer to refund, paid in error, 1054.  
 Veto of refund of collateral, 1082.  
 Veto of refund of collateral, to George M. Ramsey, 596.  
 Veto of refund of, to Peter Maurer, 1072.  
 Veto of repeal of portion of collateral, 584.
- Inspector General P. Lacy Goddard, 37.  
 Andrew D. Hepburn, 548.  
 Chambers McKibbin, 973.  
 of rifle practice, Herman Osthaus, 973.  
 George Sanderson, Jr., 37.  
 Edward O. Shakespeare, 285.  
 Louis A. Watres, 546.
- Instruction, Superintendent of Public, Incompetency of, 507.  
 E. E. Higbee, Superintendent of Public, 293, 782.  
 X. Z. Snyder, Superintendent of Public, 1044.  
 D. J. Waller, Superintendent of Public, 943.
- Insurance, 1888, 737.  
 Commissioner J. Montgomery Forster, 749.  
 George B. Luper, 1018.  
 companies, Veto of extension of powers of, 362.  
 department law, Veto of modification of, 792.  
 law, Veto of amendment to, 1093.  
 Veto of extension of, 359.  
 Veto of modification of, 811.  
 legislation, Veto of life, 145.  
 Veto of legislation on casualty, 1073.
- Internal Affairs, Department of, 1891, 898.

- J**ACKSON, Oscar L., member of Congress, 219, 479.
- Jefferson county officers, Veto of election legislation for, 574.  
 Johnstown flood, 869.
- Health conditions after, 924.
- Proclamation for removal of drifts in the Conemaugh left, after, 930.
- Proclamation relative to sufferers from, 826.
- Judge Advocate General John J. Rogers, 37, 547, 573.  
 Veto of additional law, for the eighth judicial district, 313, 516.  
 Veto of additional law, in the fifteenth district, 296.  
 Veto of additional law, in the forty-eighth judicial district, 430.
- Judges, Appointment of, 90, 557, 558, 560, 745, 747, 952, 974, 1023, 1045.  
 salaries, 30.  
 Veto of an act to fix, 813.  
 Veto of bill to pay additional salaries to the estates of deceased, 594.
- Judgments and mortgages, Veto of legislation relative to, 399.
- Jurors in contested election case, Commission of, 222.

Jury law, Veto of repeal of, 171.  
 legislation, Veto of, 612.

**K**ELLEY, William D., member of Congress, 217, 477, 656.  
 Kerr, James, member of Congress, 658.  
 Kirkpatrick, William S., Attorney General, 545.  
 Koonce, Hiram, Veto of appropriation for, 418.  
 Kribbs, G. F., member of Congress, 865.

**L**ACKAWANNA and Luzerne counties, Veto of legislation consequent upon the separation of, 34.  
 Veto of special legislation for county poor, 791, 802.  
 Veto of special legislation for court officers of, 562.  
 Labor day, 1890, Order closing departments on, 857.  
 Rights of, 28.  
 Veto of act for protection of wages of, 380.  
 Law and practice, 1888, 733.  
 Library, Veto of act for the Cumberland county, 396.  
 Laws, Mine, relating to bituminous coal regions, Commissioners to revise, 992.  
 Veto of publication of corporation, 621.  
 Veto of special distribution of pamphlet, 1099.  
 Leach, J. Granville, Commissary General, 553.  
 Lebanon, Veto of special legislation for fire department of, 158.  
 Lee, Benjamin, Letter from, 924, 927, 932, 933.  
 Legislation in the United States, Commissioners for uniformity of, 1016.  
 Special, 27.  
 Legislature (see also Assembly), Veto of bill for the relief of officials of the 1885, 344.  
 Librarian, State, William H. Egle, 550, 944.  
 Edward Stuck, 521.  
 Library, State, 1888, 729.  
 1891, 900.  
 Lieutenants, brevet first, Veto of National Guard law providing for, 1075.  
 Limitations, Statute of, 1891, 922.  
 Liquor traffic, Regulation of, 255, 500.  
 Livery Stable keepers, Veto of act relative to, 355.  
 Livesey, William, Proclamation of election of, State Treasurer, 210.  
 Loan legislation, Veto of special for Parker township, Schuylkill county, 370.  
 Loans for cities of the first class, Veto of water supply, 333.  
 London, Veto of act for relief of American exhibitors in the American exhibition in, 579.  
 Longnecker, Jacob H., Secretary of the Commonwealth, 955.  
 Lunacy committee, 239.  
 Proclamation of organization of committee on, 205.  
 Luper, George B., Insurance Commissioner, 1018.  
 Luzerne county, Veto of legislation consequent upon the separation of Lackawanna and, 34.  
 Lynch, John, member of Congress, 478.

**M**CALEER, William, member of Congress, 862.  
 McClelland, William, Adjutant General, 972, 988.  
 McCollum, J. Brewster, and James T. Mitchell, Proclamation electing, to the Supreme bench, 672.  
 McCormick, Henry C., member of Congress, 478, 656.  
 McCullogh, Welty, member of Congress, 479.  
 McKibben, Chambers, inspector general, 973.  
 Maffett, James F., member of Congress, 479.  
 Maish, Levi, member of Congress, 479, 667.  
 Mansion, Executive, 732.

- Marshall, Lieutenant Edward, Veto of act for enrolling, 394.  
 Maxwell, John, Veto of appropriation for, 432.  
 Mental disorders, Veto of act for prevention of, 1057.  
 Mercantile appraiser, Abolition recommended, 245.  
 Mexican war, 411.  
     pension, Veto of, 101.  
 Mifflin monument, 911.  
 Military officers, Veto of relief of certain late, 160.  
     pay to Joseph A. Weible, Veto of, 1036.  
 Mining and ventilation laws in bituminous coal regions, Commissioners on,  
     295.  
     laws, 712. 919.  
     rights of dissolved corporations, Veto of sale of real estate and, 1031.  
 Mine commission, Veto of resolution for division of appropriation of funds  
     for the anthracite, 340.  
     disaster near Scottdale, 975.  
     laws relating to anthracite coal regions, Commissioners to revise, 993,  
     1014.  
     laws relating to bituminous coal regions, Commissioners to revise, 992.  
 Miners, Veto of additional legislation regarding the anthracite coal, 611.  
 Mitchell, James T., and J. Brewster McCollum, Proclamation of election of  
     to the Supreme bench, 672.  
 Monument, Mifflin, 911.  
     to William Denning at Newville, 911.  
 Mortgage legislation, Veto of, 417.  
 Mortgages, Veto of legislation relative to judgments and, 399.  
 Municipal claims, Veto of legislation on, 366.  
 Municipalities (see also cities), 967.  
 Mutchler, William, member of Congress, 656, 863.

## NATIONAL GUARD, 1885, 242.

- 1887, 498.  
     1888, 725.  
     1891, 895.  
     armory rentals, Veto of increase of, 109.  
     expenses 1891, 986.  
     law providing for brevet first lieutenant, Veto of, 1075.  
     legislation, Veto of, 398.  
     officers, Veto of legislation for relief of certain, 160.  
 Negley, James S., member of Congress, 219.  
 Newell, Robert D., nominated to bench, 90.  
 Newspapers (see also advertising), Veto of increase of number of, for pub-  
     lic advertisements in Philadelphia, 1033.  
     Veto of law for county advertising discriminating against German, 1081.  
 Newville, Monument to William Denning at, 911.  
 Niles, Jerome B., Proclamation of election of, Auditor General, 210.  
 Norris, A. Wilson, In memoriam, 739.

## OLD Ladies Home, Veto of appropriation for, 777.

- Oil, Veto of prohibition of deception relating to, 787.  
 Orphans' court, Veto of validation of private sales under authority,  
     of, 1011.  
 Orphans' court, Veto of validation of private sales under authority of, 1011.  
     Veto of extension of partition powers to, 1032.  
     for populous counties, Veto of separate, 156.  
 O'Neill, C., member of Congress, 217, 477, 655, 862.  
 Osborne, Edwin S., member of Congress, 216, 477, 656.  
 Osthaus, Herman, Inspector General of Rifle Practice, 973.



- PARDONS**, 1885, 236.  
 1887, 499.  
 1888, 730.
- Paris exposition**, 739.
- Pattison, Robert Emory**, Biographical sketch, 3.  
 First inaugural address, 6.  
 Second inaugural address, 959.
- Patton, John**, member of Congress, 479.
- Pearson, George**, Private secretary to Governor Beaver, 545
- Peddlers' license legislation**, Veto of, 429.
- Penal and reformatory institutions**, 1888, 717.  
 1891, 915.
- Penalties, Delay in capital**, 247.
- Pension for Louis Ancker**, Veto of, 1087.  
 to Mary Baker, Veto of, 581.  
 to Elizabeth Betz, Veto of, 581.  
 to George W. Bower, Veto of, 603.  
 to Alice Care, Veto of, 375.  
 to David Costley, Veto of, 786.  
 to Wilhelmina V. Crans, Veto of, 1047.  
 to Theodosia Diley, Veto of, 144.  
 to firemen, Veto of, 142.  
 to Ellen Ginley, Veto of, 378.  
 to Henry B. Goodman, Veto of, 588.  
 to Caroline Hall, Veto of, 581.  
 to Edwin Hatch, Veto of, 120.  
 to Jacob Hurst, Veto of further, 342.  
 to Edson Hyde, Veto of, 177.  
 to Archibald D. Knox, Veto of, 786.  
 to Hiram Koonce, Veto of, 418, 561, 581.  
 to Amanda Livingston, Veto of, 106.  
 to Mrs. Nancy McKillips, Veto of, 140.  
 to Elmira P. Mullin, Veto of, 65, 376, 561, 1049.  
 to Peter Nickel, Veto of, 769.  
 to James Osterhout, Veto of, 563.  
 to Catharine Page, Veto of, 378.  
 to policemen, Veto of, 810.  
 to George M. Rymer, Veto of, 588.  
 to Mrs. E. E. Small, Veto of, 790.  
 to Peter Strohm, Veto of, 123.  
 to David Wilson, Veto of, 1078.
- Pensions, police**, Veto of, in cities of the second class, 1006.
- Pharmaceutical examining board**, Members of, 741, 759, 938, 1037.
- Pharmacy**, Veto of regulation of homeopathic, 589.
- Philadelphia**, 1891, New charter, 968.  
 building act, Veto of a, 591.  
 Delinquent tax collector of, 21.  
 harbor, 1891, 918.  
 magistrates courts, Veto of legislation on, 279.  
 on cession to the United States of land at Gettysburg and, for national cemeteries, 287.  
 street cleaning act, Veto of, 585.  
 taxes, Veto of special legislation for, 159.  
 Veto of increase of newspapers for public advertisements in, 1033.  
 Veto of sale of Quaker burial ground in, 779.
- Physical culture in schools**, Veto of compulsory, 1004.
- Pittsburg real estate**, Veto of authority for Allegheny county to sell certain, 757.  
 Veto of new form of government of city of, 151.  
 Veto of relief to heir under Gross will case in, 1040.
- Pleuro-pneumonia**, 705.  
 Proclamation against, 646.  
 Proclamation of extirpation of epidemic of, 674.
- Pollock, James**, In memoriam, 923.

- Policemen, Veto of pension for, 810.
  - Veto of pensions for firemen and, 607.
  - Veto of pension legislation for firemen and, 385.
  - Veto of pensions in cities of the second class, 1006.
- Poor districts and poor taxes, Veto of an act relating to, 764.
  - Veto of independent, 806.
  - Veto of legislation for, 162.
  - Veto of special legislation for Lackawanna county, 791.
- Poorhouse legislation in Lackawanna county, Veto of, 802.
- Poor law commission, 1891, 916.
  - law, Veto of modification of, 162.
  - Provision for, 703.
- Port wardens in 1887, 496.
- Possession of leased furnished rooms, etc., Veto of legislation for the recovery of, 1087.
- Presidential electors, Proclamation, 1884, 213.
  - 1888, 659, 670.
- Printing, Barton D. Evans, Superintendent Public, 781.
  - Reform in public, 259.
  - State, 1887, 511.
  - State publications, Veto of legislation for, 353.
- Prisoners, Veto of increase of compensation to sheriffs for boarding, 141.
  - Veto of increase of commutation of, 392, 609.
- Prisons (see also penal, penitentiary, reform), 495.
- Private Secretary to the Governor Humphrey D. Tate, 971.
  - George Pearson, 545.
- Prohibition and suffrage amendments to the Constitution, Proclamation of rejection of, 836.
- Property disabilities, in case of John Smith, Veto of removal of, 576.
- Proclamation against pleuro-pneumonia, 646.
  - announcing the intended forfeiture of the charters of certain corporations, 44.
- arbor day. First, 1885, 291.
  - 1886, 474.
  - 1887, 552.
  - 1888, 649.
  - 1889, 754.
  - 1890, 852.
  - 1891, 994.
- declaring Allegheny city to be a city of the first class, 868.
- declaring the drift in the Conemaugh river a nuisance, 834.
- for removal of drifts in Conemaugh left after Johnstown flood, 930.
- forfeiting the charters of delinquent corporations, 71.
- of application of proceeds of public lands to Pennsylvania State College, 857.
- of decease of William B. Hart, State Treasurer, 840.
- of decease of John F. Hartranft, 838.
- of decease of E. E. Higbee, Superintendent of Public Instruction, 843.
- of election of Henry K. Boyer State Treasurer, 847.
  - William B. Hart, State Treasurer, 651.
  - William Livesey, State Treasurer, 210.
  - James T. Mitchell and J. Brewster McCollum to Supreme bench, 672.
  - Jerome B. Niles Auditor General, 210.
  - Matthew Stanley Quay, State Treasurer, 472.
  - Henry W. Williams to Supreme bench, 644.
- of extirpation of epidemic of pleuro-pneumonia, 674.
- of Huntingdon Reformatory, 748.
- of members of Congress, 1884, 216, 224.
  - 1885, 467.
  - 1886, 476.
  - 1888, 655.
  - 1889, 849.

1890, 854, 859, 862.

Proclamation—Continued.

of presidential electors, 1884, 213.

1888, 659, 670.

of organization of committee on lunacy, 205.

of rejection of proposed prohibition and suffrage amendments to Constitution, 836.

of vetoes, 1885, 451.

1889, 823.

on death of Ulysses S. Grant, 463, 465.

relative to sufferers from the Johnstown flood, 826.

sinking fund, 1883, 208.

1884, 220.

1885, 470.

1886, 481.

1887, 678.

1888, 675.

1889, 845.

1890, 866.

thanksgiving, 1883, 207.

1884, 212.

1885, 466.

1886, 475.

1887, 643.

1888, 653.

1889, 842.

1890, 861.

for blessings of constitutional government, 767.

**Q**UARTERMASTER General Henry C. Demming, 981.

Richard S. Edwards, 269.

Hiram H. Fisher, 65.

Walter W. Greenland, 990.

Samuel W. Hill, 548.

Quay, Matthew Stanley, Proclamation of election of as State Treasurer, 472.

**R**AILROAD, 32.

and canal companies in Schuylkill county, Veto of authority for, to purchase stock and bonds of coal, iron, etc., companies, 559.

cars and stations, Veto of an act for maintaining peace in, 613.

crossings, Veto of prohibition of grade, 626.

in Philadelphia, 259.

interests, 715.

legislation, Reform in, 260.

1887, 513.

Veto of street, 173.

Veto of regulation of lateral, 357.

Randall, Samuel, member of Congress, 217, 477, 655.

portraits, Grow and, 912.

Ray, Joseph W., member of Congress, 657.

Read, Louis W., Surgeon General, 37, 547, 974.

Real estate legislation against foreign corporations, Veto of, 374.

rights, Veto of authority for separated husband and wife to have separate, 91.

Rebellion, Veto of monument of first engagement on free soil in the, 600.

Recorders of cities, Veto of further legislation for, 96.

Recorder's office, 20.

Referee legislation, Veto of, 121.

Reform legislation, Veto of, 390, 410.

school trustees, 114, 300, 522, 550, 551, 571, 942, 954.

- Reformatory, Huntingdon, Managers of, 273, 743, 944, 1024.
- Proclamation of, 743.
- Veto of legislation on, 1088.
- institutions, Penal and, 1891, 915.
- Register act, Veto of a deputy, 1063.
- Registration, Compulsory, 964.
- Reilly, James B., member of Congress, 656, 863.
- Revenue and taxation, 1891, 879.
- commission, 686, 967.
- Revenues of the State, 33.
- Reyburn, John E., member of Congress, 849, 863.
- Rife, John W., member of Congress, 656, 863.
- Right of way across lands belonging to schools, colleges, etc., Veto of act to prevent, 301.
- Road, etc., Veto of repeal of legislation relative to Edgemont great, 1061.
- law commission, 1891, 916.
- legislation for Fulton county, Veto of special, 311.
- supervisors, Veto of act relative to, 1025.
- Roads, 1888, 707.
- toll, Veto of authority for abandonment of, 310.
- Robinson, John B., member of Congress, 863.
- Rogers, John J., Judge Advocate General, 37, 547, 973.

## SALARIES, State, 22.

- Salary legislation for county officers, Veto of, 312.
- Sanderson, George, Jr., inspector of rifle practice, 37.
- School (see also reform, reformatory), attendance 1884, 242.
- compulsory, Veto of, 1090.
- legislation, Veto of special for Somerset, 1066.
- Morganza reform, Managers, 783.
- property, Veto of authority for boards of education to sell, 1056.
- purposes, Veto of use of public burial places for, 1063.
- ship, Nautical, 769, 890, 1017.
- tax legislation for cities, Veto of, 153.
- training, for the feeble-minded, Veto of appropriation for, 634.
- Schools, 1883, 695.
- 1891, 886.
- colleges, etc., Veto of act to prevent right of way across lands belonging to, 301.
- Normal, 1891, 887.
- State Superintendent of, Incompetency of, 507.
- Schuylkill county, Veto of authority for railroads and canal companies in, to purchase stock and bonds of coal, iron, etc., companies, 559.
- Veto of refund of cattle drovers' taxes in, 1039.
- Scott Legion burial vault, Veto of appropriation for enlargement of, 411.
- Scott Legion, Veto of acts for monuments to Garfield, McClellan, Jennie Wade and, 599.
- Scott, William L., member of Congress, 219, 479.
- Scottdale, Mine disaster near, 975.
- Scranton, Joseph A., member of Congress, 218, 656.
- Seull, Edward, member of Congress, 478, 657, 864.
- Sealers of weights and measures, 22.
- Secretary of the Commonwealth William F. Harrity, 971.
- Jacob H. Longnecker, 955.
- William S. Stenger, 16.
- Charles W. Stone, 545.
- 1891, 892.
- Archives of, 727.
- salary recommended, 249.
- Sectarian institutions, Veto of appropriation for, 785.
- Sewers and sewerage, Veto of special legislation for wharfs and wharfage and, 573.

- Shakespeare, Edward O., Inspector of rifle practice, 285.  
 Sheriffs, Veto of increase of compensation for boarding prisoners, 141.  
     Veto of legislation for, in boarding prisoners, 341.  
 Sheriffs' fee bill in large counties, Veto of special, 421.  
 Shonk, George W., member of Congress, 863.  
 Sinking fund proclamation, 1883, 208.  
     1884, 220.  
     1885, 470.  
     1886, 481.  
     1887, 678.  
     1888, 675.  
     1889, 845.  
     1890, 866, 879.  
 Sinking funds, Veto of authority for cities of the second class to invest the  
     moneys of their, 18.  
 Smith, Thomas J., Commissary General, 547.  
 Smoke legislation, Veto of anti-, 1058.  
 Smull's Handbook, Veto of additional copies, 298, 356.  
 Snowden, George R., Major General, 746, 951.  
 Snyder, X. Z., Superintendent of Public Instruction, 1044.  
 Soldiers' and Sailors' Home, 723, 891.  
 Soldiers, Certificates for honorably discharged, 724.  
 Soldiers' claims, Veto of removal of statute of limitations in case of, 365.  
     graves, Veto of legislation relative to marking, 305.  
     orphans, 505, 701, 891.  
 Sorghum culture, 706.  
 Sowden, William, member of Congress, 217, 478.  
 Speedway in Fairmount Park, Veto of, 797.  
 Statutes at large, 508, 959.  
 Stenger, William S., Secretary of the Commonwealth, 16.  
 Stewart, Andrew, member of Congress, 864.  
 Stone, Charles W., Secretary of the Commonwealth, 545.  
     member of Congress, 859, 865.  
     William Alexis, member of Congress, 864.  
 Storm, John B., member of Congress, 218.  
 Street cleaning act, Veto of a Philadelphia, 585.  
     legislation for cities of the second class, Veto of, 43, 148.  
     Veto of, 199.  
     railway legislation, Veto of, 173.  
 Stuck, Edward, State Librarian, 521.  
 Supervisors, road, Veto of act relative to, 1025.  
 Surgeon General Louis W. Read, 37, 547, 974.  
 Surveyors and regulators in cities of the first class, Veto of legislation rela-  
     tive to, 554.  
     Veto of an act relating to, 127.  
 Swine, Veto of special legislation for vagrant, in Green county, 368.  
 Swope, John A., member of Congress, 224, 467.

- T**ATE, Humphrey D., Private Secretary to the Governor, 971.  
 Tax assessment, Veto of act for revision of, 400.  
     collector of Philadelphia, Delinquent, 21.  
 legislation for cities, Veto of school, 153.  
     for counties of 500,000 population, Veto of, 1060.  
     Veto of duplicate corporation, 371.  
     Veto of special dog, for Lock Haven, 369.  
     Veto of special, for Butler township, Schuylkill county, 363.  
 list, Veto of act to pay for illegal publication of, 1008.  
     on insurance premiums, 811.  
 poll, Abolition as qualification for voting recommended, 251.  
 Veto of refund of collateral inheritance, 1054, 1082.  
 Veto of refund of collateral inheritance to George M. Ramsey, 372, 596.  
 Veto of repeal of portion of collateral inheritance, 584.

- Taxes, borough license, Veto of act regarding, 624.  
 cattle drovers', Veto of refund of, in Schuylkill county, 1039.  
 incorrectly paid by Charles Kitting, Veto of reimbursement of, 773.  
 Veto of an act relating to poor districts and poor, 764.  
 Veto of authority for corporations to levy, 561, 564.  
 Veto of authority to pay certain, to stock dealers, 596.  
 Veto of authority to vary the period of reduction for prompt payment of, 113.  
 Veto of special legislation for Philadelphia, 159.
- Taxation in 1887, 487.  
 1891, 965.  
 in boroughs, Veto of act to increase, 1010.  
 of seated lands in borough or township in which the mansion house lies, 808.
- Taxing all papers representing wages not redeemed in thirty days, Veto of an act, 616.
- Tenants, Veto of an act to relieve, in case of injured buildings, 425.
- Thanksgiving proclamation, 1883, 207.  
 1884, 212.  
 1885, 466.  
 1886, 475.  
 1887, 643.  
 1888, 653.  
 1889, 842.  
 1890, 861.  
 for blessings of constitutional government, 767.
- Theological seminary, Reformed Presbyterian, Veto of supplement to incorporation of, 1071.
- Townsend, Charles C., member of Congress, 657.
- Townships, Veto of enlargement of the act relating to counties and, 42.
- Treasurer, State, William B. Hart, Proclamation of decease of, 840.  
 Proclamation of election of Henry K. Boyer, 847.  
 Proclamation of election of William B. Hart, 651.  
 Proclamation of election of William Livsey, 210.  
 Proclamation of election of Matthew Stanley Quay, 472.  
 1890, Returns of election of, 939.  
 Transmittal of returns of election of, 1889, 745.  
 Veto of increase of clerical force of the, 134.  
 Veto of refund from, to W. A. Southwell, 1052.
- Trunkey, John, In memoriam, 739.

**U**NIONTOWN legislation, Veto of, 389.  
 United States, Cession of jurisdiction over lands adjoining Frankford arsenal to, 283.  
 Cession of land at Gettysburg and Philadelphia for national cemeteries to the, 287.

University Veterinary hospital, Veto of appropriation for, 623.

**V**AUX, Richard, member of Congress, 854.  
 Veterinary hospital, Veto of appropriation for University, 623.  
 Veto of act concerning fishing in the Monongahela and Ohio rivers below Pittsburg, 175.  
 for co-operative associations, 412.  
 for enrolling Lieutenant Edward Marshall, 394.  
 for government of cities of the fifth class, 124.  
 for maintaining peace in railroad cars and stations, 613.  
 for memorials to Garfield, McClellan, the Scott Legion and Jennie Wade, 599.

## Veto of act—Continued.

- for monuments to Meade and Hancock, 600.
- for prevention of mental disorders, 1057.
- for protection of wages of labor, 380.
- for relief of Robert Dittrich, 580.
  - W. J. Hans, 414.
  - George Heffley, 129.
  - Henry Millen, 578.
  - John Paister, 128.
  - James H. Tebay, 586.
- Pennsylvania exhibitors in the American exhibition in London, 579.
- several agricultural organizations, 579.
- for renewing and extending charters of banks, 583.
- for revision of tax assessments, 400.
- relating to collection of district and township debts, 384.
  - forfeiture of charters of street railroad companies, 173.
  - poor districts and poor taxes, 764.
  - surveyors, 127.
- relative to business principals and agents, 381.
  - livery stable keepers, 355.
  - road supervisors, 1025.
- taxing all papers representing wages not redeemed in thirty days, 616.
- to define embezzlement from unincorporated societies, 395.
- to fix judges' salaries, 813.
- to increase taxation in boroughs, 1010.
- to pay certain debts of the Erie Marine Hospital, 597.
- to pay for illegal publication of tax list, 1008.
- to prevent deception by gilded ware, 1095.
  - rights of way across lands belonging to schools, colleges, etc., 301.
- to relieve tenants in case of injured buildings, 425.
- additional copies of Governor's message, 1891, 980.
  - of Smull's Handbook, 298, 356.
  - of Pennsylvania "Bird Book," 1068.
- additional law judge for the eighth judicial district, 313, 567.
  - for the fifteenth district, 296.
  - for the forty-eighth district, 430.
- additional legislation regarding the anthracite coal miners, 611.
- Agricultural Experiment Station, 179, 415.
- amendment to act relating to counties and townships, 42.
  - to insurance law, 1093.
- anti-smoke legislation, 1058.
- apportionment bill, 314, 325.
- appropriation for association for prevention of cruelty to children, 775.
  - for enlargement of Scott legion burial vault, 411.
  - for home for blind men, 623.
  - for home for crippled children, 781.
  - for infirmary in the home for old ladies, 449.
  - for John Maxwell, 432.
  - for Montgomery County Charity Hospital, 1096.
  - for old ladies' home, 777.
  - for payment of salaries to heirs of public officers who have died, 825.
  - for Philadelphia Zoological Society, 1097.
  - for Pittsburg free dispensary, 778.
  - for sectarian institutions, 785.
  - for training school for feeble-minded, 634.
  - for University Veterinary Hospital, 623.
  - for various charitable institutions, 184, 436.
  - for various hospitals, 1885, 436.
    - 1887, 628, 635, 636, 637, 638, 639, 640, 641, 642.
    - 1889, 603, 821, 822, 823, 824.
  - for Western Pennsylvania Hospital at Pittsburg, 807.



## Veto of appropriation—Continued.

- for Wills Eye Hospital, 788.
- for Womans' Homeopathic Hospital, 606.
- for 1883-1884, 194.
- for 1885, in part, 348.
- arbitration legislation, 363.
- authority for boards of education to sell school property, 1066.
- for corporations to levy taxes, 561, 564.
- for cities of the second class to invest the moneys in their sinking fund, 18.
- for abandonment of toll roads, 310.
- for Allegheny county to sell certain Pittsburg real estate, 757.
- for railroads and canal companies to purchase stock and bonds of coal, iron, etc., companies, 559.
- for separated husband and wife to have separate real estate rights, 91.
- for State Treasurer to refund collateral inheritance tax paid in error, 1054.
- for court martial to summon civilians, 398.
- to repay certain taxes to stock dealers, 596.
- to vary the period of reduction for prompt payment of taxes, 118.
- bill for the relief of officials of the legislature, 1885, 344.
- to pay additional salary to the estates of deceased judges, 594.
- borough tax law, 998.
- canal legislation, 357.
- city code in cities of the third class, 68.
- legislation, 1885, 444.
- collateral inheritance legislation, 107.
- collection of forfeited recognizances and fines by contract, 387.
- compulsory physical culture in schools, 1004.
- school attendance, 1090.
- concurrent resolution requesting Senators to support the federal election bill, 977.
- corporation legislation, 166, 167, 169, 363, 419.
- court fee and mileage bill, 592.
- creation of recorder in cities other than those of the first and second class, 798.
- definition of the words "surviving members," 1056.
- deputy register act, 1063.
- detachment of weather observations from the Franklin institute, 1067.
- duplicate corporation tax legislation, 371.
- dyke for protection of private property of citizens of Coalmont, 1083.
- election district legislation, 376.
- legislation for Jefferson county officers, 574.
- entertainment appropriation in connection with the centennial of the federal constitution, 634.
- extension of insurance law, 359.
- partition power to orphans' courts, 1032.
- power of burgesses, 386.
- fire insurance companies, 362.
- right of appeal to petitioners for charters of incorporation, 388.
- time for tax collection, 382.
- ferry legislation, 407.
- fire company legislation, 561, 564.
- salvage associations, 1046.
- firemen's relief associations, 1064.
- fishway resolution, 111.
- forestry act, 408.
- formulation of uniform accounts for State institutions by State Board of Charities, 1077.
- further legislation for recorders of cities, 96.
- pension to Jacob Hurst, 342.
- inaccurate corporation legislation, 423.
- incorporation of friendly societies, 818.

## Veto of—Continued.

- increase of clerical force of State Treasurer, 134.
- commutation of prisoners, 392, 609.
- compensation of county assessors in cities of the second class, 1087.
  - to sheriffs for boarding prisoners, 141.
- councilmen in cities of the first class, 1059.
- National Guard armory rentals, 109.
- number of newspapers for public advertising in Philadelphia, 1033, 1081.
- independent poor districts, 805.
- imprisonment for debt, 124.
- jury legislation, 612.
- legislation consequent upon the separation of Lackawanna from Luzerne county, 34.
  - for poor districts, 162.
  - for printing State publications, 353.
  - for the recovery of possession of leased furnished rooms, etc., 1087.
  - for relief of certain National Guard officers, 160.
  - for sheriffs in boarding prisoners, 341.
  - on casualty insurance, 1073.
  - on district and township debts, 165.
  - on Huntingdon reformatory, 1088.
  - on municipal claims, 366.
  - on Philadelphia magistrates' courts, 279.
  - regarding borough license taxes, 624.
  - regarding sale of real estate of dissolved corporations, 1074.
  - relative to cities of the fifth class, 420.
  - relative to hawkers and peddlers, 1069.
  - relative to judgments and mortgages, 399.
  - relative to marking soldiers' graves, 305.
  - relative to surveyors and regulators in cities of the first class, 554.
  - to restore the Delaware river to its original channel, 565.
- life insurance legislation, 145.
- memorial building at Gettysburg, 770.
- military claim of Felix C. Negley, 1084.
- military pay to Joseph A. Weible, 1026.
- modification of insurance department law, 792.
  - of insurance law, 811.
  - of poor law, 162.
- monument to first engagement on free soil in the Rebellion, 600.
- mortgage legislation, 417.
- municipal sale of natural gas, 602.
- National Guard law providing for brevet first lieutenants, 1075.
- National Guard legislation, 398.
- new form of government for Pittsburg, 151.
- newspaper advertising, discriminating against German, 1081.
- orphans' court legislation, 156.
- part of appropriation for Lackawanna Hospital, 449.
  - of appropriation for State Hospital for anthracite regions, 450.
- payment for horses killed on account of glanders, 784, 1050.
- penalties for disorderly conduct, 1053.
- pension for Louis Ancker, 1078.
  - for Mary Baker, 581.
  - for Elizabeth Betz, 581.
  - for George W. Bower, 603.
  - for Alice Carr, 375.
  - for David Costley, 786.
  - for Wilhelmina V. Crans, 1047.
  - for Theodosia Diley, 144.
  - for Ellen Ginley, 378.
  - for Henry B. Goodman, 588.
  - for Caroline Hall, 581.
  - for Edwin Hatch, 120.
  - for Edson Hyde, 177.

## Veto of pension--Continued.

- for Archibald D. Knox, 786.
- for Hiram Koonce, 418, 581.
- for Amanda Livingston, 105.
- for Nancy McKillips, 140.
- for Elmira P. Mullin, 65, 376, 561, 1049.
- for Peter Nickel, 769.
- for James Osterhout, 563.
- for Catharine Page, 378.
- for George W. Rymer, 588.
- for Mrs. E. E. Small, 790.
- for Peter Strohm, 123.
- for David Wilson, 1075.
- pensions for firemen, 142.
  - for firemen and policemen, 385, 607.
  - for Mexican war service, 101.
  - policemen, 810, 1606.
- peddler's license legislation, 429.
- Philadelphia buildings act, 591.
  - street cleaning act, 585.
- Police pensions in cities of the second class, 1006.
- poorhouse legislation in Lackawanna county, 802.
- process for collection of board and lodging bills, 93.
- prohibition of deception relating to oil, 787.
  - of grade railroad crossings, 626.
- publication of corporation laws, 621.
- purchase of a house of refuge, 619.
- Reading Hospital appropriation, 1028.
- real estate legislation against foreign corporations, 374.
- referee legislation, 121, 390, 410.
- refund of cattle drovers' taxes in Schuylkill county, 1039.
  - of collateral inheritance tax, 1082.
    - to Peter Maurer, 1072.
    - to George M. Ramsey, 372, 596.
    - to estate of Rosina Sterrett, 373.
  - from State Treasurer to W. A. Southwell, 1052.
- regulation of coal trade by authorities of cities of the first class, 1085.
  - of homeopathic pharmacy, 589.
  - of lateral railroads, 357.
- reimbursement of taxes incorrectly paid by Charles Kitting, 773.
- relief of certain late military officers, 160.
  - of the State Agricultural Society, 426.
  - of heir under Gross will in Pittsburg, 1040.
- remodeling Executive mansion, 631.
- removal of prejudy disabilities in case of John Smith, 576.
  - of statute of limitations in case of soldiers' claims, 365.
- repeal of act for the Cumberland county law library, 396.
  - of jury law, 171.
  - of legislation on Edgemont great road, etc., 1061.
  - of portion of collateral inheritance tax, 584.
- resolution for diversion of funds for the anthracite mine commission, 340.
- salary legislation for court officers, 312.
- sale of Quaker burial ground in Philadelphia, 779.
  - of real estate and mining rights of dissolved corporations, 1031.
  - of real estate of decedents by other than the executor, 1070.
- school tax legislation for cities, 153.
- Senatorial apportionment, 302.
- separate orphans' court for populous counties, 156.
- special legislation on Bedford public square, 178.
  - on dog tax for Lock Haven, 369.
  - in distribution of pamphlet laws, 1099.
  - on election officers of Centre county, 1034.
  - on fees in courts of common pleas, 356.

## Veto of special legislation—Continued.

- on fences in Elk county, 1055.
  - on county officers of Delaware county, 1035.
  - of court officers of Lackawanna county, 562.
  - on draining Pymatuning marsh, 364.
  - on fire department of Lebanon, 158.
  - on Lackawanna county poor districts, 791.
  - on Philadelphia taxes, 159.
  - on refund of an escheated bank deposit, 361.
  - on vagrancy of animals, 126.
  - on vagrancy of swine in Centre county, 427.
  - in Green county, 368.
  - on wharves and wharfage, sewers and sewerage, 573.
  - on wolf bounty in McKean county, 164.
  - relative to county auditors, 402.
  - county commissioners, 406.
  - loan for Porter township, Schuylkill county, 370.
  - roads in Fulton county, 311.
  - schools in Somerset county, 1066.
  - sheriffs' fee bill in large counties, 421.
  - taxes in Butler township, Schuylkill county, 368.
  - speedway in Fairmount park, 797.
  - State hospitals in bituminous coal regions, 434.
  - street legislation, 43, 99, 148.
  - railroad legislation, 173.
  - supplement to incorporation of Reformed Presbyterian Theological Seminary, 1071.
  - tax legislation for counties of five hundred thousand population, 1060.
  - taxation of seated lands in borough or township in which mansion lies, 808.
  - time limitation on decedents' estates, 604.
  - Uniontown legislation, 389.
  - use of public burial places for school purposes, 1063.
  - validation of private sales under authority of orphans' court, 996, 1011.
  - water supply loans for Philadelphia, 333.
- Vetoed, proclamation of, 1885, 451.
- 1889, 828.

**W**ADE, Jennie, Veto of acts for monuments to Garfield, McClellan, Scott legion and, 599.

Wages of labor, Veto of act for protection of, 380.

papers representing, Veto of act taxing all not redeemed in thirty days, 616.

Waller, D. J., Superintendent of Public Instruction, 943.

War pensions, Veto of Mexican, 101.

Washington's inauguration, Centennial of, 738.

Water supply loans for Philadelphia, Veto of, 333.

Watres, Louis A., general inspector of rifle practice, 546.

Watson, Lewis F., member of Congress, 658.

Wayne, Henry C., Letter from, 17.

Weather observations, Veto of detachment of, from Franklin institute, 1067.

Weible, Joseph A., Veto of military pay to, 1036.

Wharves and wharfage, sewers and sewerage, Veto of legislation on, 573.

White, Alexander C., member of Congress, 219.

Wiley, John A., Brigadier General, 546.

Williams, Henry W., elected to Supreme bench, 644.

Wilson, James, member of colonial congress, Monument to, 952.

Wolverton, Simon P., member of Congress, 863.

Wright, Myron B., member of Congress, 656, 863.

**Y**ARDLEY, Robert M., member of Congress, 477, 656.

**Z**OOLOGICAL Society, Philadelphia. Veto of appropriation to, 1097.



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